

THE DEPARTMENT OF STATE

1960  
Vol. 42  
No. 1076



# Bulletin

FEB 16 1960

Vol. XLII, No. 1076

February 8, 1960

**PRIME MINISTER KISHI VISITS WASHINGTON  
FOR SIGNING OF TREATY OF MUTUAL CO-  
OPERATION AND SECURITY BETWEEN THE  
U.S. AND JAPAN** • *Texts of Joint Communique,  
Remarks, and Treaty and Related Documents* . . . . . 179

**BUDGET MESSAGE OF THE PRESIDENT  
(Excerpts)** . . . . . 202

**IMPORTANCE OF THE SPACE PROGRAM IN INTER-  
NATIONAL RELATIONS** • *Statement by Under  
Secretary Merchant* . . . . . 213

**PROGRESS AND PROSPECTS FOR EUROPEAN  
MIGRATION, 1959-60** • *Article by George L. Warren* • 218

*For index see inside back cover*

OFFICIAL  
WEEKLY RECORD

UNITED STATES  
FOREIGN POLICY

THE DEPARTMENT OF STATE

# Bulletin

VOL. XLII, No. 1076 • PUBLICATION 6938

February 8, 1960

For sale by the Superintendent of Documents  
U.S. Government Printing Office  
Washington 25, D.C.

PRICE:  
52 issues, domestic \$8.50, foreign \$12.25  
Single copy, 25 cents

The printing of this publication has been approved by the Director of the Bureau of the Budget (January 20, 1958).

**Note:** Contents of this publication are not copyrighted and items contained herein may be reprinted. Citation of the DEPARTMENT OF STATE BULLETIN as the source will be appreciated.

*The Department of State BULLETIN, a weekly publication issued by the Office of Public Services, Bureau of Public Affairs, provides the public and interested agencies of the Government with information on developments in the field of foreign relations and on the work of the Department of State and the Foreign Service. The BULLETIN includes selected press releases on foreign policy, issued by the White House and the Department, and statements and addresses made by the President and by the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information is included concerning treaties and international agreements to which the United States is or may become a party and treaties of general international interest.*

*Publications of the Department, United Nations documents, and legislative material in the field of international relations are listed currently.*

## Prime Minister Kishi Visits Washington for Signing of Treaty of Mutual Cooperation and Security Between the U.S. and Japan

*Prime Minister Nobusuke Kishi of Japan, accompanied by Foreign Minister Aichihiro Fujiyama and a delegation of 36 Japanese officials, made an informal visit at Washington, D.C., January 17-21 to participate in the signing on January 19 of a Treaty of Mutual Cooperation and Security Between the United States of America and Japan. Following are texts of a joint communique, the treaty and related documents, and remarks made on various occasions during the visit.*

### JOINT COMMUNIQUE, JANUARY 19

White House press release dated January 19

The President of the United States and the Prime Minister of Japan conferred at the White House today prior to the formal signing of the Treaty of Mutual Cooperation and Security between Japan and the United States. Their discussions were devoted chiefly to a broad and comprehensive review of current international developments, and to an examination of Japanese-American relations. Japanese Minister of Foreign Affairs Fujiyama and American Secretary of State Herter also took part in the White House talks. Later the Prime Minister and his party conferred with the Secretary of State on matters of mutual concern to the two countries.

#### I.

The President and the Prime Minister first discussed the international situation. The President told the Prime Minister of the profound impression made upon him during his recent trip to South Asia, the Near East, Africa and Europe<sup>1</sup> by the overwhelming desire throughout these

areas for early realization of the goals of the United Nations, international peace, respect for human rights, and a better life. In discussing the international situation, the President stated his determination to exert every effort at the impending Summit meeting<sup>2</sup> to achieve meaningful progress toward these goals. The Prime Minister expressed full agreement and support for the President's determination.

In this connection, the President and the Prime Minister agreed that disarmament, with the essential guarantees of inspection and verification, is a problem of urgent and central importance to all nations, whose resolution would contribute greatly to reducing the burden of armaments and the risk of war. They expressed the further hope that early agreement can be reached on an adequately safeguarded program for the discontinuance of nuclear weapons tests. They concluded that the world is entering a period affording important opportunities which they have every intention of exploring most seriously, but only on the basis of tested performance not merely promises. Both leaders recognized that all of man's intellect, wisdom and imagination must be brought into full play to achieve a world at peace under justice and freedom. They expressed the conviction that, during this period and particularly until all nations abide faithfully by the purposes and principles of the U.N. and forego the resort to force, it is essential for free nations to maintain by every means their resolution, their unity and their strength.

#### II.

The President and the Prime Minister considered the security relationship between the United States and Japan in the light of their evaluation

<sup>1</sup> For background, see BULLETIN of Dec. 28, 1959, p. 931, and Jan. 11, 1960, p. 46.

<sup>2</sup> For background, see *ibid.*, Jan. 18, 1960, p. 77.

of the current international situation and declared that this close relationship is essential to the achievement of peace in justice and freedom. They are convinced that the partnership and cooperation between their two nations is strengthened by the new treaty which has been drawn up on the basis of the principles of equal sovereignty and mutual cooperation that characterize the present relationship between the two countries. Both leaders look forward to the ratification of the treaty and to the celebration of this year of the centennial of Japan's first diplomatic mission to the United States as further demonstrations of the strength and continuity of Japanese-American friendship.

In reviewing relations between Japan and the United States since their last meeting in June of 1957,<sup>2</sup> the President and the Prime Minister expressed particular gratification at the success of efforts since that time to develop the new era in relations between the two countries, based on common interest, mutual trust, and the principles of cooperation.

Both the President and the Prime Minister looked ahead to continued close cooperation between the two countries within the framework of the new Treaty of Mutual Cooperation and Security. They are convinced that the treaty will materially strengthen peace and security in the Far East and advance the cause of peace and freedom throughout the world. They are convinced also that the treaty will foster an atmosphere of mutual confidence. In this connection, the Prime Minister discussed with the President the question of prior consultation under the new treaty. The President assured him that the United States Government has no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to the matters involving prior consultation under the treaty.

The President and the Prime Minister also discussed the situation in Asia. They reaffirmed their belief that they should maintain close contact and consultation with relation to future developments in this area. They agreed that Japan's increasing participation in international discussion of the problems of Asia will be in the interest of the free world.

<sup>2</sup> *Ibid.*, July 8, 1957, p. 51.

### III.

The President and the Prime Minister agreed that the expansion of trade among free nations, the economic progress and elevation of living standards in less developed countries are of paramount importance, and will contribute to stability and progress so essential to the achievement of peace in the world.

The President and the Prime Minister exchanged views on the European economic and trade communities and on the role that can be played by the industrialized Free World countries in the economic development of the less developed areas. Both leaders called particular attention to the urgent desire of peoples in the less developed areas of the world for the economic advancement without which they cannot preserve their freedom. They stressed the role which increasingly must be played by the industrialized nations of the free world in assisting the progress of the less developed areas. The President particularly referred to the increasing role the Japanese people are playing in the economic development of free Asia.

In considering economic relations between the United States and Japan, the President and the Prime Minister recognized that trade between their two nations is of great benefit to both countries, noting that the United States is the largest purchaser of Japanese exports, and Japan is the second largest buyer of American goods. They expressed gratification at the growth of mutually profitable trade between the two countries. They reaffirmed their conviction that the continued and orderly expansion of world trade, through the avoidance of arbitrary and new unnecessary trade restrictions, and through active measures to remove existing obstacles, is essential to the well-being and progress of both countries.

The Prime Minister stressed the importance of the United States and Japan consulting on a continuing basis with regard to economic matters of mutual interest. The President expressed full agreement to this view.

### IV.

The President expressed his particular gratification that the Prime Minister could come to Washington on this occasion so important in United States-Japanese relations. The Prime



Minister expressed his appreciation for the opportunity to meet again with the President.

The President and the Prime Minister agreed that their talks will contribute to the continued strengthening of the United States-Japanese partnership.

#### **WELCOMING REMARKS BY VICE PRESIDENT NIXON<sup>1</sup>**

Mr. Prime Minister, it is my honor and privilege to welcome you again to our Nation's capital on the occasion of this visit.

I do not need to tell you that you are always welcome in our country as the representative of a great people and as a true and loyal friend of the United States. But I believe that this occasion is a particularly historic and significant one. At a time in history when the relations between nations are very complex and sometimes difficult, we are reminded by this visit, and the reason for it, of the really exciting record of achievement in good relations between the United States and your country.

On Tuesday you and Secretary Herter will sign a new treaty of mutual cooperation and security between the United States and Japan. This treaty will mark the culmination of great progress in relations between our countries in the 2 years since you last visited this capital. And we know, too, that it will mark the opening of a new era of even greater cooperation and mutual progress together. I think it is only appropriate at this time to pay tribute to the leadership in your country and in ours which has made this record of progress possible. The leaders of our two countries have recognized that we have true identity of interests in a divided world. And I can say that millions of Americans respect and honor you for the courageous leadership that you have given for the cause of peace and freedom for your people and for all the world.

May I say that I am sure that, in your much too brief time here in our Nation's capital, the meetings you will have with our President, with the Secretary of State, will bring even closer ties of cooperation and friendship for the years to come.

<sup>1</sup>Made at Washington, D.C., on Jan. 17 upon the arrival of Prime Minister Kishi (press release 23).

#### **President Eisenhower Accepts Invitation To Visit Japan**

White House press release dated January 20

Prime Minister Kishi, on behalf of the Government of Japan, extended an invitation to the President to visit Japan on the occasion of the Japanese-American Centennial. The President accepted the invitation with the greatest of pleasure and proposed that he visit Japan about June 20, following his forthcoming trip to the Soviet Union.

President Eisenhower took this opportunity to express his hope that Their Imperial Highnesses the Crown Prince and Princess will pay a visit to the United States on the occasion of the Centennial, and the Prime Minister stated that he will endeavor to bring about the desired visit.

#### **TOASTS AT WHITE HOUSE LUNCHEON, JANUARY 19**

White House press release dated January 19

##### **President Eisenhower**

Mr. Prime Minister, Mr. Foreign Minister, and distinguished guests: It is a very great personal honor to welcome here in Washington the Prime Minister of Japan and his associates in government. They are here to sign, with us, a treaty of mutual cooperation and security.

This year is the centennial of an occasion very similar to this one. A predecessor of mine, 100 years ago, welcomed to this city the first Japanese diplomatic mission to the United States—indeed, the first diplomatic mission that in modern times the Japanese had sent abroad.

During those hundred years tremendous changes have taken place. In our technology, in science, the changes have been such as to be revolutionary. And in the thinking of our two peoples there has been likewise a great change. We have come to the realization that we were not, each of us, truly independent of ourselves and of others but that there is among the nations—certainly the nations of the free world—a great and growing interdependence.

In 1860 Japan was just emerging from an isolation centuries old and almost complete in its character. The United States was living in an isolation of a different kind. We were so protected by

two vast ocean areas that we had no real interest in the rest of the world and certainly felt ourselves to be immune from the quarrels and struggles and problems and even the privations that others experienced.

We have come a long way from that time. In 1960 our two countries represented here today are leaders in an effort to bring the free nations of the world into a closer cooperation through which they may achieve a better security for themselves and for realizing for all people the peace in freedom that they seek. The signing of this treaty this afternoon will, all of us hope, mark one significant step in progress toward that goal.

I am hopeful that all of you present, after we have had our coffee in the Blue Room, will be guests at that signing, which will take place in the East Room immediately after we leave the Blue Room.

It has been a particular delight for me to have Mr. Kishi, an old friend of mine, here representing his country this morning. We had a chance, because of this visit, to remark upon the tremendous changes, the tremendous progress that has been made in the last 2 years in the relations between our two countries. We agreed that there is ground for great confidence that these relations will be sound and will grow ever stronger.

Now, of course, for both of us it would have been a little bit more enjoyable and possibly even more profitable to have had these conversations on the golf course. But in spite of the uncooperative character of the season, we did have these talks, and both of us agreed that they have been not only interesting but fruitful.

And it is in that belief and conviction that I propose a toast to the monarch whose able Prime Minister is our honored guest today.

Gentlemen and Madam, will you please join me in raising our glasses to His Majesty, the Emperor of Japan.

#### **Prime Minister Kishi**

*Unofficial translation*

Mr. President, Mr. Speaker, and other honorable guests: Today I and my associates have the privilege of discussing political affairs with the President, for which I offer thanks from the bottom of my heart. Further, the President's generous toast

has touched me deeply, for which I am also thankful.

In the 21½ years which have passed since I first met with the President to discuss matters of mutual concern and mutual cooperation we have seen great progress toward achieving a position of equality and mutual trust. That we have done so is a blessing for the peoples of both our countries. Moreover it also contributes in a great degree toward the achievement of that peace in the world which all peoples wish for.

We all know that the President works constantly, with all of his energies, toward achieving peace in the world, with justice and freedom. Not only we in Japan but the peoples of the entire world are well aware of this, and we all praise you for your activities, Mr. President. We pray for your success in your purposes.

As the President has already explained, my purpose in coming to the United States at this time is to sign the new treaty of mutual cooperation and security between Japan and the United States. But this year, as the President has also indicated, marks the first—the end of the first century since the first amicable diplomatic contact between our two countries.

Throughout that hundred years, never, with the exception of a brief few, do I believe that we have had relations of anything less than a mutually profitable nature. I hope that in the coming hundred years we will achieve even more progress toward a new relationship based on trust and cooperation.

I think that what we are doing today is significant for both the peace of the world and for the prosperity of the peoples of the world. I hope that our friendship continues in this way through the next century, without even a few years such as those which blotted our relations in the past.

I hope that the work we do here today will gain for us more than the hundred years of peaceful and cooperative relations that my predecessors gained. I know that we will continue to work hard to achieve this.

In reply to the remarks of the President I would like to thank him from the bottom of my heart. I would like to toast the health of the President and pray that he may continue to work so energetically for the peace of the world and for the prosperity of all of the American people.

Thank you.

## REMARKS AT SIGNING CEREMONY, JANUARY 19

### President Eisenhower

White House press release dated January 19

The signing today of the treaty of mutual cooperation and security between Japan and the United States is truly a historical occasion at which I am honored to be present. This treaty represents the fulfillment of the goal set by Prime Minister Kishi and myself in June of 1957 to establish an indestructible partnership between our two countries in which our relations would be based on complete equality and mutual understanding. The treaty likewise reflects the closeness and breadth of our relations in the political and economic as well as security fields.

It is equally fitting that the treaty of mutual cooperation and security should be signed in the hundredth year after the first treaty between our two countries came into effect. On May 22, 1860, the first Japanese delegation to the United States exchanged ratifications of the treaty of amity and commerce between our two countries. The subsequent hundred years have brought unbelievable progress and increasing prosperity to both our countries. It is my fervent hope that the new treaty signed today will usher in a second hundred years of prosperity and the peace in freedom which the peoples of our countries and of all countries so earnestly desire.

### Secretary Herter

Press release 24 dated January 19

It is a great honor and privilege for me to represent the United States as the principal signatory of this new treaty of mutual cooperation and security with Japan. The significance of this occasion for both our countries is demonstrated by the presence of the highest officials of both Governments, the President of the United States and the Prime Minister of Japan, as well as delegations from the Legislatures of both nations.

I am confident that the treaty we are signing today will establish, in the political, economic, and security fields, the basis for close cooperation to our mutual benefit for many years to come. It will also serve as notice of our solidarity to those who would attack or subvert the freedom which is our most precious possession.

### Prime Minister Kishi

Unofficial translation

For Japan and the United States this is a truly significant and historic occasion. The new treaty of mutual cooperation and security which we are about to sign constitutes the basic structure of partnership between our countries and a basis for effective cooperation, not only in the field of security but also in the broader political and economic fields. The consummation of this treaty in the centennial year of our diplomatic and commercial relations is indeed a happy augury for the future.

Henceforth our common efforts should be devoted to making our partnership a living and dynamic instrument for peace under justice and freedom and for human progress throughout the world. I am sure that we are making a most auspicious start into the second century of Japanese-American relations.

### Foreign Minister Fujiyama

Unofficial translation

This is truly an auspicious event. It will go down in history, I am sure, as a great and important milestone in the full century of relations between Japan and the United States. The treaty we have signed brings us together in closer association than any pact ever concluded between our two countries.

I am glad and proud of the part I have personally had in the making of this treaty. As the chief negotiator for Japan, I know what this treaty is and what it is for. It is an open compact for all the world to see as a treaty pledging our countries to serve as partners in the cause of a secure peace under justice and freedom. It reflects the sentiments and the aspirations of both our peoples.

On this occasion I should express my highest respects and appreciation to the representatives of the United States for the great understanding and zeal shown by them in working closely with us to make a treaty of which both our countries may be truly proud. I address these sentiments particularly to the late Secretary Dulles, with whose understanding the negotiations were initiated, to Secretary Herter, who took a personal hand in leading the negotiations for his Government to this happy consummation, and to Ambassadors

sador [Douglas] MacArthur [II], who showed a deep appreciation of Japan's hopes and aspirations throughout the negotiations.

This is a day of fulfillment. But, at the same time, this is only the beginning of our real task—to breathe life into this treaty. Dedicated as we both are to the spirit of partnership, peace, and progress, I am confident that we shall succeed in our endeavor.

#### **FAREWELL REMARKS BY UNDER SECRETARY MERCHANT\***

Mr. Prime Minister, we have come to the end of a friendly and fruitful visit. We have had an opportunity to renew old friendships and to discuss many matters of common concern. You are leaving us to visit our mutual friend and our good and close neighbor, Canada, where I know a warm reception awaits you.

Your visit to Washington and the treaty of mutual cooperation and security we have signed during this visit are an auspicious start to the celebration this year of the 100th anniversary of the first visit to Washington by plenipotentiaries representing Japan. We will work closely with you to symbolize by this anniversary celebration our common dedication to the ideals that unite free peoples everywhere.

I hope you leave us, as we leave you, with the conviction that we are in closer agreement than ever in our aspirations for peace and security and in the ways and means that must be employed by the community of free nations to achieve these aspirations. You should also know that you are always welcome to our shores.

Goodby and Godspeed.

#### **TREATY AND RELATED DOCUMENTS**

Press release 25 dated January 19

##### **Text of Treaty**

##### **TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN**

The United States of America and Japan,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

\* Made at Washington, D.C., on Jan. 21 upon the departure of Mr. Kishi (press release 28 dated Jan. 20).

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

##### **ARTICLE I**

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

##### **ARTICLE II**

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

##### **ARTICLE III**

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

##### **ARTICLE IV**

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

##### **ARTICLE V**

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.



Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

#### ARTICLE VI

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended,<sup>6</sup> and by such other arrangements as may be agreed upon.

#### ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

#### ARTICLE VIII

This Treaty shall be ratified by the United States of America and Japan in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

#### ARTICLE IX

The Security Treaty between the United States of America and Japan<sup>7</sup> signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

#### ARTICLE X

This Treaty shall remain in force until in the opinion of the Governments of the United States of America and Japan there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

<sup>6</sup> Treaties and Other International Acts Series 2492 and 2848; for text of treaty and protocol, see BULLETIN of Mar. 10, 1952, p. 382, and Nov. 2, 1953, p. 595.

<sup>7</sup> TIAS 2491; for text, see BULLETIN of Sept. 17, 1951, p. 464.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Washington in the English and Japanese languages, both equally authentic, this 19th day of January, 1960.

For the United States of America:

CHRISTIAN A. HERTER

DOUGLAS MACARTHUR 2ND

J GRAHAM PARSONS

For Japan:

NOBUSUKE KISHI

AIICHIRO FUJIYAMA

MITSUJIRO ISHII

TADASHI ADACHI

KOICHIRO ASAKAI

### Agreed Minute to the Treaty of Mutual Cooperation and Security

Japanese Plenipotentiary:

While the question of the status of the islands administered by the United States under Article 3 of the Treaty of Peace with Japan<sup>8</sup> has not been made a subject of discussion in the course of treaty negotiations, I would like to emphasize the strong concern of the Government and people of Japan for the safety of the people of these islands since Japan possesses residual sovereignty over these islands. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under Article IV of the Treaty of Mutual Cooperation and Security. In the event of an armed attack, it is the intention of the Government of Japan to explore with the United States measures which it might be able to take for the welfare of the islanders.

United States Plenipotentiary:

In the event of an armed attack against these islands, the United States Government will consult at once with the Government of Japan and intends to take the necessary measures for the defense of these islands, and to do its utmost to secure the welfare of the islanders.

WASHINGTON, January 19, 1960.

C. A. H.

N. K.

### Agreement Under Article VI of the Treaty

AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN, REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN

The United States of America and Japan, pursuant to Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960, have entered into this Agreement in terms as set forth below:

<sup>8</sup> TIAS 2490; for text, see BULLETIN of Aug. 27, 1951, p. 349.



## ARTICLE I

In this Agreement the expression—

(a) "members of the United States armed forces" means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) "civilian component" means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of Article XIV. For the purposes of this Agreement only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States nationals.

(c) "dependents" means

- (1) Spouse, and children under 21;
- (2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.

## ARTICLE II

1. (a) The United States is granted, under Article VI of the Treaty of Mutual Cooperation and Security, the use of facilities and areas in Japan. Agreements as to specific facilities and areas shall be concluded by the two Governments through the Joint Committee provided for in Article XXV of this Agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

(b) The facilities and areas of which the United States has the use at the time of expiration of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, shall be considered as facilities and areas agreed upon between the two Governments in accordance with subparagraph (a) above.

2. At the request of either Government, the Governments of the United States and Japan shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.

3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this Agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make, interim use of such facilities and areas provided that it is agreed between the two Governments through the Joint Committee that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to facilities and areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall apply.

## ARTICLE III

1. Within the facilities and areas, the United States may take all the measures necessary for their establishment, operation, safeguarding and control. In order to provide access for the United States armed forces to the facilities and areas for their support, safeguarding and control, the Government of Japan shall, at the request of the United States armed forces and upon consultation between the two Governments through the Joint Committee, take necessary measures within the scope of applicable laws and regulations over land, territorial waters and airspace adjacent to, or in the vicinities of the facilities and areas. The United States may also take necessary measures for such purposes upon consultation between the two Governments through the Joint Committee.

2. The United States agrees not to take the measures referred to in paragraph 1 in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by arrangement between the appropriate authorities of the two Governments. The Government of Japan shall, within the scope of applicable laws and regulations, take all reasonable measures to avoid or eliminate interference with telecommunications electronics required by the United States armed forces.

3. Operations in the facilities and areas in use by the United States armed forces shall be carried on with due regard for the public safety.

## ARTICLE IV

1. The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to any construction which the Government of the United States may undertake under special arrangements with the Government of Japan.

## ARTICLE V

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and their entry into and departure from Japan shall be according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including

armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports or airports of Japan. Such access to and movement between facilities and areas by United States military vehicles shall be free from toll and other charges.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

#### ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by arrangement between the appropriate authorities of the two Governments.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

#### ARTICLE VII

The United States armed forces shall have the use of all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and shall enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

#### ARTICLE VIII

The Government of Japan undertakes to furnish the United States armed forces with the following meteorological services in accordance with arrangements between the appropriate authorities of the two Governments:

(a) Meteorological observations from land and ocean areas including observations from weather ships.

(b) Climatological information including periodic summaries and the historical data of the Meteorological Agency.

(c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.

(d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might be affected thereby.

#### ARTICLE IX

1. The United States may bring into Japan persons who are members of the United States armed forces, the civilian component, and their dependents, subject to the provisions of this Article.

2. Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.

3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents:

(a) personal identity card showing name, date of birth, rank and number, service, and photograph; and

(b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card which must be presented on request to the appropriate Japanese authorities.

4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under paragraph 1 of this Article is altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Government of Japan.

6. If the Government of Japan has requested the removal from its territory of a member of the United States armed forces or civilian component or has made an expulsion order against an ex-member of the United States armed forces or the civilian component or against a dependent of a member or ex-member, the authorities of the United States shall be responsible for receiving the person concerned within its own territory or otherwise disposing of him outside Japan. This paragraph shall apply only to persons who are not nationals of Japan and have entered Japan as members of the United States armed forces or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

#### ARTICLE X

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the United States to a member of the

United States armed forces, the civilian component, and their dependents.

2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

3. Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

#### ARTICLE XI

1. Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) Units of the United States armed forces under orders entering or leaving Japan;

(b) Official documents under official seal and official mail in United States military postal channels;

(c) Military cargo shipped on a United States Government bill of lading.

6. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3, may be re-exported free from customs duties and other such charges.

8. The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of Japan, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of Japan are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

(d) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Government of Japan in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

#### ARTICLE XII

1. The United States may contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this Agreement, without restriction as to choice of supplier or person who does the construction work. Such supplies or construction work may, upon agreement between the appropriate authorities of the two Governments, also be procured through the Government of Japan.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the



United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces, or by authorized procurement agencies of the United States armed forces upon appropriate certification shall be exempt from the following Japanese taxes:

- (a) Commodity tax
- (b) Travelling tax
- (c) Gasoline tax
- (d) Electricity and gas tax.

Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

4. Local labor requirements of United States armed forces and of the organizations provided for in Article XV shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Should the United States armed forces or as appropriate an organization provided for in Article XV dismiss a worker and a decision of a court or a Labor Relations Commission of Japan to the effect that the contract of employment has not terminated become final, the following procedures shall apply:

(a) The United States armed forces or the said organization shall be informed by the Government of Japan of the decision of the court or Commission;

(b) Should the United States armed forces or the said organization not desire to return the worker to duty, they shall so notify the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from duty;

(c) Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case;

(d) Should such a solution not be reached within a period of thirty days from the date of commencement of

the consultations under (c) above, the worker will not be entitled to return to duty. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.

7. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

8. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

9. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

#### ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer *inter se*, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

#### ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the

United States armed forces, and who are designated by the Government of the United States in accordance with the provisions of paragraph 2 below, shall, except as provided in this Article, be subject to the laws and regulations of Japan.

2. The designation referred to in paragraph 1 above shall be made upon consultation with the Government of Japan and shall be restricted to cases where open competitive bidding is not practicable due to security considerations, to the technical qualifications of the contractors involved, or to the unavailability of materials or services required by United States standards, or to limitations of United States law.

The designation shall be withdrawn by the Government of the United States:

- (a) upon completion of contracts with the United States for the United States armed forces;
- (b) upon proof that such persons are engaged in business activities in Japan other than those pertaining to the United States armed forces; or
- (c) when such persons are engaged in practices illegal in Japan.

3. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

- (a) Rights of accession and movement, as provided for in Article V, paragraph 2;
- (b) Entry into Japan in accordance with the provisions of Article IX;
- (c) The exemption from customs duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;
- (d) If authorized by the Government of the United States the right to use the services of the organizations provided for in Article XV;
- (e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;
- (f) If authorized by the Government of the United States, the right to use military payment certificates, as provided for in Article XX;
- (g) The use of postal facilities provided for in Article XXI;
- (h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

4. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

5. Upon certification by an authorized officer of the United States armed forces, depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

6. Upon certification by an authorized officer of the United States armed forces, such persons and their em-

ployees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the Government of the United States shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

8. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

#### ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1(b), but purchases within Japan



of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

#### ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

#### ARTICLE XVII

1. Subject to the provisions of this Article,

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to

(i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the

United States armed forces or the civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.

5. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent.

(c) The custody of an accused member of the United States armed forces or the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

6. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The military authorities of the United States and the authorities of Japan shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or the authorities of Japan

and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

9. Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Japan;
- (e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article II of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

11. In the event of hostilities to which the provisions of Article V of the Treaty of Mutual Cooperation and Security apply, either the Government of the United States or the Government of Japan shall have the right, by giving sixty days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, the Governments of the United States and Japan shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

12. The provisions of this Article shall not apply to any offenses committed before the entry into force of this Agreement. Such cases shall be governed by the provisions of Article XVII of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, as it existed at the relevant time.

#### ARTICLE XVIII

1. Each Party waives all its claims against the other Party for damage to any property owned by it and used

by its land, sea or air defense services, if such damage—

(a) was caused by a member or an employee of the defense services of the other Party in the performance of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other Party and used by its defense services, provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims for maritime salvage by one Party against the other Party shall be waived, provided that the vessel or cargo salvaged was owned by a Party and being used by its defense services for official purposes.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by either Party and located in Japan, the issue of the liability of the other Party shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with subparagraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in subparagraph (a) above shall be selected by agreement between the two Governments from amongst the nationals of Japan who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e)(i),(ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Party waives its claim in any such case up to the amount of 1,400 United States dollars or 504,000 yen. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Party" in the case of a vessel includes a vessel on bare boat charter to that Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Party).

4. Each Party waives all its claims against the other Party for injury or death suffered by any member of its defense services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members or employees of the United States armed forces done in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces are legally responsible, and causing damage in Japan to third parties,

other than the Government of Japan, shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its Self-Defense Forces.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Parties.

(d) Every claim paid by Japan shall be communicated to the appropriate United States authorities together with full particulars and a proposed distribution in conformity with subparagraphs (e) (i) and (ii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding subparagraph and paragraph 2 of this Article shall be distributed between the Parties as follows:

(i) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 percent chargeable to Japan and 75 percent chargeable to the United States.

(ii) Where the United States and Japan are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them. Where the damage was caused by the defense services of the United States or Japan and it is not possible to attribute it specifically to one or both of those defense services, the amount awarded or adjudged shall be distributed equally between the United States and Japan.

(iii) Every half-year, a statement of the sums paid by Japan in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the appropriate United States authorities, together with a request for reimbursement. Such reimbursement shall be made, in yen, within the shortest possible time.

(f) Members or employees of the United States armed forces, excluding those employees who have only Japanese nationality, shall not be subject to any proceedings for the enforcement of any judgment given against them in Japan in a matter arising from the performance of their official duties.

(g) Except in so far as subparagraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members or employees of the United States armed forces (except employees who are nationals of or ordinarily resident in Japan) arising out of tortious acts or omissions in Japan not done in the performance of

official duty shall be dealt with in the following manner:

(a) The authorities of Japan shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the appropriate United States authorities, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the United States authorities shall make the payment themselves and inform the authorities of Japan of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of Japan to entertain an action against a member or an employee of the United States armed forces unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the United States armed forces shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the United States armed forces are legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member or an employee of the United States armed forces was done in the performance of official duty or as to whether the use of any vehicle of the United States armed forces was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

9. (a) The United States shall not claim immunity from the jurisdiction of the courts of Japan for members or employees of the United States armed forces in respect of the civil jurisdiction of the courts of Japan except to the extent provided in paragraph 5(f) of this Article.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the United States armed forces, the United States authorities shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The authorities of the United States and Japan shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this Article.

10. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

11. The term "defense services" used in this Article is understood to mean for Japan its Self-Defense Forces and for the United States its armed forces.

12. Paragraphs 2 and 5 of this Article shall apply only to claims arising incident to non-combat activities.



13. The provisions of this Article shall not apply to any claims which arose before the entry into force of this Agreement. Such claims shall be dealt with by the provisions of Article XVIII of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan.

#### ARTICLE XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

#### ARTICLE XX

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the United States armed forces. The Government of the United States will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of Japan will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of Japan or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

2. In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such

facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by Article XIX, paragraph 2, of this Agreement.

#### ARTICLE XXI

The United States may establish and operate, within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

#### ARTICLE XXII

The United States may enroll and train eligible United States citizens residing in Japan, who apply for such enrollment, in the reserve organizations of the armed forces of the United States.

#### ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United States armed forces, the members thereof, the civilian component, their dependents, and their property. The Government of Japan agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

#### ARTICLE XXIV

1. It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities and areas and rights of way, including facilities and areas jointly used such as those at airfields and ports, as provided in Articles II and III.

3. It is agreed that arrangements will be effected between the Governments of the United States and Japan for accounting applicable to financial transactions arising out of this Agreement.

#### ARTICLE XXV

1. A Joint Committee shall be established as the means for consultation between the Government of the United States and the Government of Japan on all matters requiring mutual consultation regarding the implementation of this Agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in Japan which are required for the use of the United States in carrying out

the purposes of the Treaty of Mutual Cooperation and Security.

2. The Joint Committee shall be composed of a representative of the Government of the United States and a representative of the Government of Japan, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the Government of the United States or the Government of Japan.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

#### ARTICLE XXVI

1. This Agreement shall be approved by the United States and Japan in accordance with their legal procedures, and notes indicating such approval shall be exchanged.

2. After the procedure set forth in the preceding paragraph has been followed, this Agreement will enter into force on the date of coming into force of the Treaty of Mutual Cooperation and Security, at which time the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended, shall expire.

3. The Government of each Party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

#### ARTICLE XXVII

Either Government may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

#### ARTICLE XXVIII

This Agreement, and agreed revisions thereof, shall remain in force while the Treaty of Mutual Cooperation and Security remains in force unless earlier terminated by agreement between the two Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Agreement.

DONE at Washington, in duplicate, in the English and Japanese languages, both texts equally authentic, this 19th day of January, 1960.

For the United States of America:

CHRISTIAN A. HERTER  
DOUGLAS MACARTHUR 2ND  
J GRAHAM PARSONS

For Japan:

NOBUSUKE KISHI  
AICHIRO FUJIYAMA  
MITSUJIRO ISHII  
TADASHI ADACHI  
KOICHIRO ASAKAI

### Agreed Minutes to Agreement Under Article VI

AGREED MINUTES TO THE AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN, REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN

The Plenipotentiaries of the United States of America and Japan wish to record the following understanding which they have reached during the negotiations for the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today:

#### Article III

The measures that may be taken by the United States under paragraph 1 shall, to the extent necessary to accomplish the purposes of this Agreement, include, *inter alia*, the following:

1. To construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the facilities and areas;

2. To remove buildings or structures, make alterations, attach fixtures, or erect additions thereto and to construct any additional buildings or structures together with auxiliary facilities;

3. To improve and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to such facilities and areas;

4. To control (including measures to prohibit) in so far as may be required by military necessity for the efficient operation and safety of the facilities and areas, anchorages, moorings, landings, takeoffs and operation of ships and waterborne craft, aircraft and other vehicles on water, in the air or on land comprising, or in the vicinity of, the facilities and areas;

5. To construct on rights of way utilized by the United States such wire and radio communications facilities, including submarine and subterranean cables, pipe lines and spur tracks from railroads, as may be required for military purposes; and

6. To construct, install, maintain and employ in any facility or area any type of installation, weapon, substance, device, vessel or vehicle on or under the ground, in the air or on or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and radar apparatus and electronic devices.

#### Article V

1. "United States and foreign vessels—operated by, for, or under the control of the United States for official purposes" mean United States public vessels and chartered vessels (bare boat charter, voyage charter and time charter). Space charter is not included. Commercial cargo and private passengers are carried by them only in exceptional cases.

2. The Japanese ports mentioned herein will ordinarily mean "open ports".



3. The exemption from making "appropriate notification" will be applicable only to exceptional cases where such is required for security of the United States armed forces or similar reasons.

4. The laws and regulations of Japan will be applicable except as specifically provided otherwise in this Article.

#### Article VII

The problem of telecommunications rates applicable to the United States armed forces will continue to be studied in the light of, *inter alia*, the statements concerning Article VII recorded in the official minutes of the Tenth Joint Meeting for the Negotiation of the Administrative Agreement signed on February 28, 1952, which are hereby incorporated by reference.

#### Article IX

The Government of Japan will be notified at regular intervals, in accordance with procedures to be agreed between the two Governments, of numbers and categories of persons entering and departing.

#### Article XI

1. The quantity of goods imported under paragraph 2 by the organizations provided for in Article XV for the use of the members of the United States armed forces, the civilian component, and their dependents shall be limited to the extent reasonably required for such use.

2. Paragraph 3(a) does not require concurrent shipment of goods with travel of owner nor does it require single loading or shipment.

3. The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all cargo shipped to the United States armed forces on a United States Government bill of lading, the term "military cargo" being used to distinguish cargo shipped to the United States armed forces from cargo shipped to other agencies of the United States Government.

4. The United States armed forces will take every practicable measure to ensure that goods will not be imported into Japan by or for the members of the United States armed forces, the civilian component, or their dependents, the entry of which would be in violation of Japanese customs laws and regulations. The United States armed forces will promptly notify the Japanese customs authorities whenever the entry of such goods is discovered.

5. The Japanese customs authorities may, if they consider that there has been an abuse or infringement in connection with the entry of goods under Article XI, take up the matter with the appropriate authorities of the United States armed forces.

6. The words "The United States armed forces shall render all assistance within their power etc." in paragraph 9 (b) and (c) refer to reasonable and practicable measures by the United States armed forces.

#### Article XII

1. The United States armed forces will furnish the Japanese authorities with appropriate information as far in advance as practicable on anticipated major changes in their procurement program in Japan.

2. The problem of a satisfactory settlement of difficulties with respect to procurement contracts arising out of differences between United States and Japanese economic laws and business practices will be studied by the Joint Committee or other appropriate persons.

3. The procedures for securing exemptions from taxation on purchases of goods for ultimate use by the United States armed forces will be as follows:

a. Upon appropriate certification by the United States armed forces that materials, supplies and equipment consigned to or destined for such forces, are to be used, or wholly or partially used up, under the supervision of such forces, exclusively in the execution of contracts for the construction, maintenance or operation of the facilities and areas referred to in Article II or for the support of the forces therein, or are ultimately to be incorporated into articles or facilities used by such forces, an authorized representative of such forces shall take delivery of such materials, supplies and equipment directly from manufacturers thereof. In such circumstances the collection of commodity and gasoline taxes shall be held in abeyance.

b. The receipt of such materials, supplies and equipment in the facilities and areas shall be confirmed by an authorized officer of the United States armed forces to the Japanese authorities.

c. Collection of commodity and gasoline taxes shall be held in abeyance until

(1) The United States armed forces confirm and certify the quantity or degree of consumption of the above referred to materials, supplies and equipment, or

(2) The United States armed forces confirm and certify the amount of the above referred to materials, supplies, and equipment which have been incorporated into articles or facilities used by United States armed forces.

d. materials, supplies, and equipment certified under c(1) or (2) shall be exempt from commodity and gasoline taxes in so far as the price thereof is paid out of United States Government appropriations or out of funds contributed by the Japanese Government for disbursement by the United States.

4. The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for in Article XV in connection with the employment of workers to be provided for such organizations.

5. It is understood that the term "the legislation of Japan" mentioned in paragraph 5, Article XII includes decisions of the courts and the Labor Relations Commissions of Japan, subject to the provisions of paragraph 6, Article XII.

6. It is understood that the provisions of Article XII, paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.

7. It is understood that the organizations referred to in Article XV will be subject to the procedures of para-

graph 6 on the basis of mutual agreement between the appropriate authorities.

#### Article XIII

With respect to Article XIII, paragraph 2 and Article XIV, paragraph 7, income payable in Japan as a result of service with or employment by the United States armed forces or by the organizations provided for in Article XV, or under contract made in the United States with the United States Government, shall not be treated or considered as income derived from Japanese sources.

#### Article XV

The facilities referred to in paragraph 1 may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

#### Article XVII

##### Re paragraph 1(a) and paragraph 2(a):

The scope of persons subject to the military laws of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

##### Re paragraph 2(c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

##### Re paragraph 3(a) (ii):

Where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

##### Re paragraph 3(c):

1. Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee.

2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3(a)(ii) committed against the State or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

##### Re paragraph 4:

Dual nationals, United States and Japanese, who are subject to the military law of the United States and are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered

as United States nationals for the purposes of this paragraph.

##### Re paragraph 5:

1. In case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the United States military authorities provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The United States authorities shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

2. The United States military authorities shall promptly notify the Japanese authorities of the arrest of any member of the United States armed forces, the civilian component or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

##### Re paragraph 9:

1. The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution:

(a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;

(b) He shall enjoy the right to a public trial by an impartial tribunal;

(c) He shall not be compelled to testify against himself;

(d) He shall be permitted full opportunity to examine all witnesses;

(e) No cruel punishments shall be imposed upon him.

2. The United States authorities shall have the right upon request to have access at any time to members of the United States armed forces, the civilian component, or their dependents who are confined or detained under Japanese authority.

3. Nothing in the provisions of paragraph 9(g) concerning the presence of a representative of the United States Government at the trial of a member of the United States armed forces, the civilian component or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provi-

sions of the Japanese Constitution with respect to public trials.

Re paragraphs 10(a) and 10(b) :

1. The United States military authorities will normally make all arrests within facilities and areas in use by and guarded under the authority of the United States armed forces. This shall not preclude the Japanese authorities from making arrests within facilities and areas in cases where the competent authorities of the United States armed forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities, who are not subject to the jurisdiction of the United States armed forces, shall immediately be turned over to the Japanese authorities.

The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

2. The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities and areas in use by and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is desired by the Japanese authorities, the United States military authorities will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

#### Article XIX

Payment in Japan by the United States armed forces and by those organizations provided in Article XV to persons other than members of the United States armed forces, civilian component, their dependents and those persons referred to in Article XIV shall be effected in accordance with the Japanese Foreign Exchange Control Law and regulations. In these transactions the basic rate of exchange shall be used.

#### Article XXI

United States military post offices may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

#### Article XXIV

It is understood that nothing in this Agreement shall prevent the United States from utilizing, for the defrayment of expenses which are to be borne by the United States under this Agreement, dollar or yen funds lawfully acquired by the United States.

WASHINGTON, January 19, 1960.

C.A.H.

N.K.

#### Exchange of Notes Incorporating Agreed Consultation Formula

##### JAPANESE NOTE

WASHINGTON, January 19, 1960.

EXCELLENCY : I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof :

Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan.

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI

His Excellency  
CHRISTIAN A. HERTER,  
Secretary of State  
of the United States of America.

##### UNITED STATES REPLY

JANUARY 19, 1960

EXCELLENCY : I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows :

[text of Japanese note]

I have the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, the renewed assurances of my highest consideration.

CHRISTIAN A. HERTER  
*Secretary of State of the  
United States of America*

His Excellency  
NOBUSUKE KISHI,  
*Prime Minister of Japan.*

**Exchange of Notes Providing for Continuance in Effect of Acheson-Yoshida Exchange of Notes**

**UNITED STATES NOTE**

JANUARY 19, 1960

EXCELLENCY: I have the honor to refer to the Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951, the exchange of notes effected on the same date<sup>9</sup> between Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America, and the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954,<sup>10</sup> as well as the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of my Government that:

1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.

2. The expression "those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America" in Article V, paragraph 2 of the above-mentioned Agreement is understood to mean the facilities and areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

3. The use of the facilities and areas by the United States armed forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950, and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding of my Government stated in the foregoing numbered paragraphs is also the understanding of your Government and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security signed at Washington January 19, 1960.

Accept, Excellency, the renewed assurances of my highest consideration.

CHRISTIAN A. HERTER  
*Secretary of State of the  
United States of America*

His Excellency  
NOBUSUKE KISHI,  
*Prime Minister of Japan.*

February 8, 1960

**JAPANESE REPLY**

WASHINGTON, January 19, 1960.

EXCELLENCY: I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

[text of United States note]

I have the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI

His Excellency  
CHRISTIAN A. HERTER,  
*Secretary of State  
of the United States of America.*

**Exchange of Notes Providing for the Settlement of Certain Claims Against the United States Forces by Former Employees**

**UNITED STATES NOTE**

JANUARY 19, 1960

EXCELLENCY: I have the honor to refer to paragraph 6(d) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that "in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments."

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6(b) of Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6(c) of Article XII above on the basis of mutually agreeable criteria.

If the proposal made herein is acceptable to the Government of Japan, this Note and Your Excellency's reply to that effect shall be considered as constituting an agreement between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

CHRISTIAN A. HERTER  
*Secretary of State of the  
United States of America*

His Excellency  
NOBUSUKE KISHI,  
*Prime Minister of Japan.*

<sup>9</sup> For texts of notes, see *ibid.*, Sept. 17, 1951, p. 465.

<sup>10</sup> TIAS 2995.



## JAPANESE REPLY

WASHINGTON, January 19, 1960.

EXCELLENCY: I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

[text of United States note]

I have the honour to inform Your Excellency that the Government of Japan accepts the above proposal of the Government of the United States, and to confirm that your Note and this reply are considered as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI

His Excellency  
CHRISTIAN A. HERTER,  
Secretary of State  
of the United States of America.

## Exchange of Notes Revising References to the Security Treaty in the Mutual Defense Assistance Agreement

### UNITED STATES NOTE

JANUARY 19, 1960

EXCELLENCY: I have the honor to refer to the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of the Government of the United States of America that references to the Security Treaty between the United States of America and Japan, signed at San Francisco on September 8, 1951, and to the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, appearing in the Mutual Defense Assistance Agreement between the United States of America and Japan,<sup>11</sup> signed at Tokyo on March 8, 1954, shall be considered to be references to the corresponding provisions, if any, of the Treaty of Mutual Cooperation and Security and of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of Japan and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security.

Accept, Excellency, the renewed assurances of my highest consideration.

CHRISTIAN A. HERTER  
Secretary of State of the  
United States of America

His Excellency  
NOBUSUKE KISHI,  
Prime Minister of Japan.

<sup>11</sup> TIAS 2057; for text, see BULLETIN of Apr. 5, 1954, p. 520.

## JAPANESE REPLY

WASHINGTON, January 19, 1960.

EXCELLENCY: I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

[text of United States note]

I have further the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI

His Excellency  
CHRISTIAN A. HERTER,  
Secretary of State  
of the United States of America.

## Exchange of Notes Re Establishment of the Security Consultative Committee

### JAPANESE NOTE

WASHINGTON, January 19, 1960.

DEAR SECRETARY HERTER: I wish to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today. Under Article IV of the Treaty, the two Governments will consult together from time to time regarding the implementation of the Treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under Article VI of the Treaty specifies certain matters as the subjects of prior consultation with the Government of Japan.

Such consultations will be carried on between the two Governments through appropriate channels. At the same time, however, I feel that the establishment of a special committee which could as appropriate be used for these consultations between the Governments would prove very useful. This committee, which would meet whenever requested by either side, could also consider any matters underlying and related to security affairs which would serve to promote understanding between the two Governments and contribute to the strengthening of cooperative relations between the two countries in the field of security.

Under this proposal the present "Japanese-American Committee on Security" established by the Governments of the United States and Japan on August 6, 1957,<sup>12</sup> would be replaced by this new committee which might be called "The Security Consultative Committee". I would also recommend that the membership of this new committee be the same as the membership of the "Japanese-American Committee on Security", namely on the Japanese side, the Minister for Foreign Affairs, who will preside on the Japanese side, and the Director General of the Defense Agency, and on the United States side, the United States

<sup>12</sup> For background, see *ibid.*, Aug. 26, 1957, p. 350.



Ambassador to Japan, who will serve as Chairman on the United States side, and the Commander-in-Chief, Pacific, who will be the Ambassador's principal advisor on military and defense matters. The Commander, United States Forces, Japan, will serve as alternate for the Commander-in-Chief, Pacific.

I would appreciate very much your views on this matter.  
Most sincerely,

NOBUSUKE KISHI

His Excellency  
CHRISTIAN A. HERTER,  
*Secretary of State*  
*of the United States of America.*

#### UNITED STATES REPLY

JANUARY 19, 1960

DEAR MR. PRIME MINISTER: The receipt is acknowledged of your Note of today's date suggesting the establishment of "The Security Consultative Committee". I fully agree to your proposal and share your view that such a committee can contribute to strengthening the cooperative relations between the two countries in the field of security. I also agree to your proposal regarding the membership of this committee.

Most sincerely,

CHRISTIAN A. HERTER

His Excellency  
NOBUSUKE KISHI,  
*Prime Minister of Japan.*

## U.S. Denies Change in Policy Toward Iran

### Department Statement

Press release 30 dated January 22

The Department of State has categorically denied that there is any substance whatsoever to the report contained in an article appearing in the *Christian Science Monitor* on January 15. Specifically it is denied, as alleged in the article, that the United States is considering a change in policy toward Iran, which would supposedly entail encouraging opposition elements as a result of allegedly growing internal dissatisfaction with the present Government and its policies.

The United States has the closest and most cordial relations with the present Government of Iran, which, under the able leadership of the Shah, is striving effectively to maintain Iran's independence and to improve conditions within the country.

## Law Day, 1960

### A PROCLAMATION<sup>1</sup>

WHEREAS one of the greatest heritages of American citizenship is a government of law before which all men stand as equals, and the dedication of our people to freedom under law has made possible the remarkable growth and development of our society in all its aspects; and

WHEREAS respect for justice under law is vital and abiding only when its roots are grounded in our many traditions of religion, ethics, and philosophy with their common teaching concerning law as the foundation of our social order; and

WHEREAS the widest possible understanding of these basic truths will contribute to the Nation's moral and spiritual strength, and a reaffirmation of faith in the rule of law in the daily lives of all Americans will serve to demonstrate to the peoples of the world that this Nation seeks only fairness and justice in its relations with other nations; and

WHEREAS the observance of Law Day is designed to foster this deeper respect for law and an awareness of its essential place in American life, as well as to encourage the efforts now being made to bring about an extension of law as an instrument of world peace and orderly progress in all international relationships for the future benefit of mankind:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Sunday, May 1, 1960, as Law Day in the United States of America.

I urge the people of the United States to observe Law Day with appropriate ceremonies as a public demonstration of their devotion to the rule of law as the keystone of peace and order in our national and international life.

I also urge the members of the legal profession to bring the objectives of Law Day to public attention in all appropriate ways, through religious and educational institutions, by private organizations and public bodies, and through the media of public information.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of December in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

By the President:  
DOUGLAS DILLON,  
*Acting Secretary of State.*

<sup>1</sup> No. 3330; 25 Fed. Reg. 139.

## Budget Message of the President (Excerpts)<sup>1</sup>

### *To the Congress of the United States:*

With this message, transmitting the Budget of the United States for the fiscal year 1961, I invite the Congress to join with me in a determined effort to achieve a substantial surplus. This will make possible a reduction in the national debt. The proposals in this budget demonstrate that this objective can be attained while at the same time maintaining required military strength and enhancing the national welfare.

This budget attests to the strength of America's economy. At the same time, the budget is a test of our resolve, as a nation, to allocate our resources prudently, to maintain the Nation's security, and to extend economic growth into the future without inflation.

In highlight, this budget proposes:

1. Revenues of \$84 billion and expenditures of \$79.8 billion, leaving a surplus of \$4.2 billion. This surplus should be applied to debt reduction, which I believe to be a prime element in sound fiscal policy for the Nation at this time.

2. New appropriations for the military functions of the Department of Defense amounting to \$40.6 billion, and expenditures of \$41 billion. These expenditures, which will be slightly higher than the 1960 level, will provide the strong and versatile defense which we require under prevailing world conditions.

3. Increased appropriations (including substantial restoration of congressional reductions in the 1960 budget), and a virtual doubling of expenditures, for nonmilitary space projects under the National Aeronautics and Space Administration. This furthers our plans to keep

moving ahead vigorously and systematically with our intensive program of scientific exploration and with the development of the large boosters essential to the conquest of outer space.

4. Nearly \$4.2 billion in new appropriations for mutual security programs, an increase of about \$950 million above appropriations for the current year, with an increase of \$100 million in expenditures. This increase in program is needed to accelerate economic and technical assistance, chiefly through the Development Loan Fund, and to strengthen free world forces, in particular the forces of the North Atlantic Treaty Organization, with advanced weapons and equipment.

5. A record total of expenditures, \$1.2 billion, for water resources projects under the Corps of Engineers and the Bureau of Reclamation. In addition to funds for going work, this amount provides for the initiation of 42 new high-priority projects, which will require \$38 million in new appropriations for 1961, and will cost a total of \$496 million over a period of years.

6. Substantially higher expenditures in a number of categories which under present laws are relatively uncontrollable, particularly \$9.6 billion for interest; \$3.9 billion to help support farm prices and income; \$3.8 billion for veterans compensation and pensions; and \$2.4 billion in aid to State and local governments for public assistance and employment security activities. The aggregate increase in these relatively uncontrollable expenditures is more than \$1 billion over 1960.

7. Research and development expenditures of \$8.4 billion—well over one-half of the entire Nation's expenditures, public and private, for these purposes—in order to assure a continuing strong and modern defense and to stimulate basic research and technological progress.

<sup>1</sup>H. Doc. 255, 86th Cong., 2d sess., transmitted on Jan. 18. The message, with summary budget statements, is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. (\$1.50).

8. Recommendations for prompt legislative action to increase taxes on highway and aviation fuels, and to raise postal rates. These measures are needed to place on the users a proper share of the rising costs of the Federal airways and postal service, and to support the highway program at an increased level.

9. Recommendations to extend for another year present corporation income and excise tax rates.

10. A constructive legislative program to achieve improvements in existing laws relating to governmental activities and to initiate needed actions to improve and safeguard the interests of our people.

In short, this budget and the proposals it makes for legislative action provide for significant advances in many aspects of national security and welfare. The budget presents a balanced program which recognizes the priorities appropriate within an aggregate of Federal expenditures that we can soundly support.

I believe that the American people have made their wishes clear: The Federal Government should conduct its financial affairs with a high sense of responsibility, vigorously meeting the Nation's needs and opportunities within its proper sphere while at the same time exercising a prudent discipline in matters of borrowing and spending, and in incurring liabilities for the future.

#### Budget Totals

During the present fiscal year we have made encouraging progress in achieving sound fiscal policy objectives. The deficit of \$12.4 billion in fiscal 1959, which was largely caused by the recession, is expected to be followed by a surplus of \$217 million in the current year. To safeguard this small surplus, I am directing all Government departments and agencies to exercise strict controls over the expenditure of Federal funds. Even so, the slender margin of surplus can be attained only if economic growth is not interrupted.

For the fiscal year 1961, I am proposing a budget surplus of \$4.2 billion to be applied to debt retirement. In my judgment this is the only sound course. Unless some amounts are applied to the reduction of debt in prosperous periods, we can expect an ever larger public debt if future emergencies or recessions again produce deficits.

In times of prosperity, such as we anticipate in the coming year, sound fiscal and economic policy requires a budget surplus to help counteract inflationary pressures, to ease conditions in capital and credit markets, and to increase the supply of savings available for the productive investment so essential to continued economic growth.

The budget recommendations for 1961 lay the groundwork for a sound and flexible fiscal policy in the years ahead. A continuance of economic prosperity in 1962 and later years can be expected to bring with it further increases in Federal revenues. If expenditures are held to the levels I am proposing for 1961 and reasonable restraint is exercised in the future, higher revenues in later

#### BUDGET EXPENDITURES

[Fiscal years. In millions]

| Function   | 1959<br>actual | 1960<br>estimate | 1961      |                     |
|--|----------------|------------------|-----------|---------------------|
|  |                |                  | Estimate  | Percent<br>of total |
| Major national security.....                     | \$46, 426      | \$45, 650        | \$45, 568 | 57. 1               |
| International affairs and<br>finance.....        | 3, 780         | 2, 066           | 2, 242    | 2. 8                |
| Commerce and housing.....                        | 3, 421         | 3, 002           | 2, 709    | 3. 4                |
| Agriculture and agricul-<br>tural resources..... | 6, 529         | 5, 113           | 5, 623    | 7. 0                |
| Natural resources.....                           | 1, 669         | 1, 785           | 1, 938    | 2. 4                |
| Labor and welfare.....                           | 4, 421         | 4, 441           | 4, 569    | 5. 7                |
| Veterans services and<br>benefits.....           | 5, 174         | 5, 157           | 5, 471    | 6. 9                |
| Interest.....                                    | 7, 671         | 9, 385           | 9, 585    | 12. 0               |
| General government.....                          | 1, 606         | 1, 711           | 1, 911    | 2. 4                |
| Allowance for contingen-<br>cies.....            | -----          | 75               | 200       | . 3                 |
| Total.....                                       | 80, 697        | 78, 383          | 79, 816   | 100. 0              |

years will give the next administration and the next Congress the choice they should rightly have in deciding between reductions in the public debt and lightening of the tax burden, or both. Soundly conceived tax revision can then be approached on a comprehensive and orderly basis, rather than by haphazard piecemeal changes, and can be accomplished within a setting of economic and fiscal stability.

Budget expenditures in 1961 are estimated at \$79.8 billion, which is \$1.4 billion more than the 1960 level. The total increase is attributable to (1) an increase of more than \$1 billion in relatively uncontrollable expenditures for farm price supports fixed by law, interest on the public debt, veterans compensation and pensions, and public assistance grants, and (2) an increase of about

\$500 million in expenditures because of commitments made in prior years for Federal housing programs, for civil public works projects and other construction, for loans under the mutual security program, and for other programs.

New activities and expansion of certain other programs have been included on a selective basis of need. These increases are offset by reductions in other existing programs, including the proposed elimination of the postal deficit.

New obligational authority recommended for the fiscal year 1961 totals \$79.4 billion. This is \$306 million less than the amounts already enacted and recommended for 1960, and \$401 million less than estimated expenditures in 1961.

Budget receipts under existing and proposed legislation are expected to rise substantially to \$84 billion in 1961. This compares with the revised estimate of \$78.6 billion for 1960 and actual receipts of \$68.3 billion in 1959.

## REVIEW OF MAJOR FUNCTIONS

The following sections of this message discuss the legislative and budget recommendations for 1961 in terms of the major purposes which they fulfill. The following table compares the estimated expenditures for each of the nine major functional categories with the actual figures for 1959 and the latest estimate for 1960.

The expenditure totals for 1960 and 1961 include expenditures under both existing and proposed legislation. The allowance for contingencies is intended to provide for unforeseen increases in existing programs, and for proposed new programs not separately itemized.

The figures for 1961 allocate to the separate programs for the first time the dollar equivalent of expenditures for U.S. Government programs of foreign currencies received from the sale abroad of surplus U.S. agricultural commodities under Public Law 480.

### Major National Security

Our national objective remains as before—peace with justice for all peoples. Our hope is that the heavy burden of armaments on the world may be lightened.

But we should not delude ourselves. In this era of nuclear weapons and intercontinental mis-

siles, disarmament must be safeguarded and verifiable. The problems involved in achieving reductions of armaments with safety and justice to all nations are tremendous. Yet we must face up to these problems, for the only alternative is a world living on the edge of disaster.

While seeking the true road to peace and disarmament we must remain strong. Our aim at this time is a level of military strength which, together with that of our allies, is sufficient to deter wars, large or small, while we strive to find a way to reduce the threat of war. This budget, in my judgment, does that.

Expenditures of the Department of Defense in 1961 will continue to emphasize the modernization of our Armed Forces. Military assistance for our allies under the mutual security program will also reflect the growing importance of modern weapons and missiles in the continued strengthening of the free world defense forces. The Atomic Energy Commission is continuing its weapons program on a high level and will move forward with research and development on the peaceful applications of atomic energy. Expenditures for stockpiling and for expansion of defense production will decline further, since most of the stockpile objectives have been met.

**Department of Defense—Military.**—New appropriations of \$40,577 million are recommended for the military functions of the Department of Defense for 1961. Expenditures in 1961 are estimated at \$40,995 million. These amounts exclude funds for the development of the Saturn space project which I have proposed be transferred to the National Aeronautics and Space Administration.

Strategy and tactics of the U.S. military forces are now undergoing one of the greatest transitions in history. The change of emphasis from conventional-type to missile-type warfare must be made with care, mindful that the one type of warfare cannot be safely neglected in favor of the other. Our military forces must be capable of contending successfully with any contingency which may be forced upon us, from limited emergencies to all-out nuclear general war.

**Forces and military personnel strength.**—This budget will provide in the fiscal year 1961 for the continued support of our forces at approximately the present level—a year-end strength of 2,489,000 men and women in the active forces. The forces



# MAJOR NATIONAL SECURITY

[Fiscal years. In millions]

| Program or agency                                    | Budget expenditures |               |                     | Recommended new obligational authority for 1961 |
|--|---------------------|---------------|---------------------|---|
|  | 1959 actual         | 1960 estimate | 1961 estimate       |   |
| Department of Defense—Military:                      |                     |               |                     |   |
| Military functions:                                  |                     |               |                     |   |
| Military personnel:                                  |                     |               |                     |   |
| Present programs-----                                | \$11,801            | \$11,959      | \$12,124            | \$11,813  |
| Proposed legislation, retirement pay-----            |                     |               | 22                  | 24  |
| Operation and maintenance-----                       | 10,384              | 10,137        | 10,321              | 10,527  |
| Procurement-----                                     | 14,410              | 13,943        | 13,602              | 13,085  |
| Research, development, test, and evaluation-----     | 2,859               | 3,680         | 3,917               | 3,910   |
| Construction-----                                    | 1,948               | 1,670         | 1,359               | 1,188   |
| Revolving funds-----                                 | -169                | -444          | -350                | 30  |
| Subtotal-----  | 41,233              | 40,945        | 40,995              | 40,577  |
| Military assistance-----                             | 2,340               | 1,800         | 1,750               | 2,000   |
| Atomic energy-----                                   | 2,541               | 2,675         | 2,689               | 2,666   |
| Stockpiling and expansion of defense production----- | 312                 | 230           | 134                 | 39  |
| Total-----   | 46,426              | 45,650        | 45,568 <sup>2</sup> | 45,282  |

<sup>1</sup> Additional obligational authority available by transfer: \$350 million.

<sup>2</sup> Compares with new obligational authority of \$45,517 million enacted for 1959 and \$44,749 million (including \$25 million in anticipated supplemental appropriations) estimated for 1960.

to be supported include an Army of 14 divisions and 870,000 men; a Navy of 817 active ships and 619,000 men; a Marine Corps of 3 divisions and 3 air wings with 175,000 men; and an Air Force of 91 combat wings and 825,000 men.

If the reserve components are to serve effectively in time of war, their basic organization and objectives must conform to the changing character and missions of the active forces. Quality and combat readiness must take precedence over mere numbers. Under modern conditions, this is especially true of the ready reserve. I have requested the Secretary of Defense to reexamine the roles and missions of the reserve components in relation to those of the active forces and in the light of the changing requirements of modern warfare.

Last year the Congress discontinued its previously imposed minimum personnel strength limitations on the Army Reserve. Similar restrictions on the strength of the Army National Guard contained in the 1960 Department of Defense Appro-

priation Act should likewise be dropped. I strongly recommend to the Congress the avoidance of mandatory floors on the size of the reserve components so that we may have the flexibility to make adjustments in keeping with military necessity.

I again propose a reduction in the Army National Guard and Army Reserve—from their present strengths of 400,000 and 300,000, respectively, to 360,000 and 270,000 by the end of the fiscal year 1961. These strengths are considered adequate to meet the essential roles and missions of the reserves in support of our national security objectives.

*Strategic forces.*—The deterrent power of our Armed Forces comes from both their nuclear retaliatory capability and their capability to conduct other essential operations in any form of war. The first capability is represented by a combination of manned bombers, carrier-based aircraft, and intercontinental and intermediate range missiles. The second capability is represented by our deployed ground, naval, and air forces in essential forward areas, together with ready reserves capable of effecting early emergency reinforcement.

The Strategic Air Command is the principal element of our long-range nuclear capability. One of the important and difficult decisions which had to be made in this budget concerned the role of the B-70, a long-range supersonic bomber. This aircraft, which was planned for initial operational use about 1965, would be complementary to but likewise competitive with the four strategic ballistic missile systems, all of which are scheduled to become available earlier. The first Atlas ICBM's are now operational, the first two Polaris submarines are expected to be operational this calendar year, and the first Titan ICBM's next year. The Minuteman solid-fueled ICBM is planned to be operational about mid-1963. By 1965, several or all of these systems will have been fully tested and their reliability established.

Thus, the need for the B-70 as a strategic weapon system is doubtful. However, I am recommending that development work on the B-70 airframe and engines be continued. It is expected that in 1963 two prototype aircraft will be available for flight testing. By that time we should be in a much better position to determine the value of that aircraft as a weapon system.

I am recommending additional acquisitions of the improved version of the B-52 (the B-52H with the new turbofan engine) and procurement of the B-58 supersonic medium bomber, together with the supporting refueling tankers in each case. These additional modern bombers will replace some of the older B-47 medium bombers; one B-52 can do the work of several B-47's which it will replace. Funds are also included in this budget to continue the equipping of the B-52 wings with the Hound Dog air-to-surface missile.

In the coming fiscal year additional quantities of Atlas, Titan, and Polaris missiles also will be procured. I am recommending funds for 3 additional Polaris submarines to be started in the coming fiscal year and for the advance procurement of long leadtime components on 3 more—making a total of 15 Polaris submarines and the appropriate number of missiles. Funds to continue the development and to initiate production of the first operational quantities of the Minuteman are also included in this budget.

Thus, four strategic ballistic missile systems will be in development and production during the coming fiscal year. These, together with the manned bomber force, the carrier-based aircraft, the intermediate range ballistic missiles, and the tactical aircraft deployed abroad, ensure our continued capability to retaliate effectively in the event of an attack upon ourselves or our allies.

In order to ensure, insofar as practicable, the safety and readiness of these forces, we have substantially completed the dispersal of Strategic Air Command aircraft and the construction of alert facilities. These measures will permit a large portion of all our manned bombers and supporting tankers to get off the ground within 15 minutes after receiving warning of an attack.

I have also authorized the Department of Defense to begin to acquire a standby airborne alert capability for the heavy bombers. This will entail the procurement of extra engines and spare parts, and the training of the heavy bomber wings with the ability to conduct an airborne alert. It is neither necessary nor practical to fly a continuous airborne alert at this time. Such a procedure would, over a relatively short period of time, seriously degrade our overall capability to respond to attack. What I am recommending is a capability to fly such an alert if the need should arise and to maintain that alert for a reasonable period

of time until the situation which necessitated it becomes clarified.

Attention is also being given to the safety and readiness of our land-based strategic missile forces. Except for the first several squadrons, strategic missiles will be dispersed in hardened underground sites. Measures are also being taken to shorten the reaction time of liquid-fueled missiles. The Minuteman, because it will be solid fueled, will have a quick reaction time and will lend itself to mobile use. The solid-fueled Polaris to be carried in submarines at sea is by its very nature highly invulnerable.

*Air defense forces.*—Much progress has been made in increasing the effectiveness of the North American Air Defense Command organized in 1957 as an integrated command of the United States and Canadian forces. The U.S. military elements—consisting of parts of all of our armed services—are integrated with Canada's Air Defense Command for maintaining an air defense capability for the entire North American Continent.

While we pay increasing attention to the growing threat of a potential enemy's ballistic missiles we should not lose sight of the fact that for the time being the manned bomber is the major threat. Although some \$17 billion has already been invested in defense systems against manned bombers, excluding the cost of personnel and operation and maintenance, certain segments have yet to be completed. These were described in the Department of Defense air defense plan presented to the Congress last year. The funds recommended in this budget will substantially complete the programs outlined in that plan. Specifically, the last major elements of the Nike-Hercules surface-to-air missile program will be financed in 1961 and the Bomarc interceptor missile program will approach completion. The related radar warning, electronic control, and communication systems will also be further equipped and modernized.

In response to the increasing missile threat, we are pressing to completion a new system for the detection of ballistic missile attack—the ballistic missile early warning system. Construction has been under way for the last two years and the first segment is expected to be in operation in about a year.

To provide for an active defense against ballistic missile attack, I am recommending the con-

tinued development of the Nike-Zeus system, but it will not be placed in production during the coming fiscal year during which further testing will be carried out.

The Nike-Zeus system is one of the most difficult undertakings ever attempted by this country. The technical problems involved in detecting, tracking, and computing the course of the incoming ballistic missile and in guiding the intercepting Zeus missile to its target—all within a few minutes—are indeed enormous.

Much thought and study have been given to all of these factors and it is the consensus of my technical and military advisers that the system should be carefully tested before production is begun and facilities are constructed for its deployment. Accordingly, I am recommending sufficient funds in this budget to provide for the essential phases of such testing. Pending the results of such testing, the \$137 million appropriated last year by the Congress for initial production steps for the Nike-Zeus system will not be used.

*Sea control forces.*—Control of sea and ocean areas and sea lanes of communication is an integral element in the maintenance of our national security. The naval forces which carry the primary responsibility for this mission will consist of 817 combatant and support ships, 16 attack carrier air groups, 11 antisubmarine air groups, and 41 patrol and warning air squadrons.

From new construction and conversion programs started in prior years, the Navy will receive during fiscal year 1961 an unusually large number of modern ships. These will include the fifth and sixth *Forrestal*-class attack carriers, the first nuclear-powered cruiser, nine guided missile destroyers, seven guided missile frigates, and six nuclear-powered submarines. Three more Polaris ballistic missile submarines and a converted guided missile cruiser will also be commissioned.

For the coming fiscal year I am recommending the construction of 20 new ships and conversions or modernizations of 15 others. Included among the new ships is an attack carrier. It is planned to construct this carrier with a conventional rather than a nuclear powerplant.

While it is generally agreed that a nuclear-powered attack carrier has certain military advantages, such as extended range and endurance at high sustained speeds, these advantages are not overriding as in the case of a submarine. In a submarine, nuclear power provides the critical

advantage of almost unlimited operation, submerged at high speeds. This enables nuclear-powered submarines to carry out missions which no conventionally powered submarine, no matter how modern, could accomplish.

The advantages of nuclear power with respect to the carrier, however, are not comparable. The primary requirement in a carrier is up-to-date facilities to operate, safely and effectively, the most modern naval aircraft. Use of a conventional powerplant will in no way prevent a carrier from functioning as a completely modern and mobile base for fleet aircraft for its foreseeable life. The additional \$130 million which a nuclear-powered carrier would cost can be used to much greater advantage for other purposes. I therefore strongly urge the Congress to support this request for a conventionally powered aircraft carrier.

*Tactical forces.*—Elements of the ground, naval, and air forces comprise the tactical forces which are available to deal with cold war emergencies and limited war situations, in addition to performing essential tasks in the event of general war. Recommendations made in this budget provide funds for modernization and improvement in the effectiveness of our tactical forces.

Increased emphasis has been given in this budget to improving the mobility and firepower of the 14 Army divisions and other active combat elements of the Army and the 3 Marine Corps divisions. Additional quantities of new rifles and machineguns employing the standard NATO ammunition will be procured, as will combat and tactical vehicles of all kinds, including the new M60 tank, the M113 armored personnel carrier, self-propelled howitzers, trucks and jeeps. In recognition of the value of artillery in both nuclear and nonnuclear warfare, an entire new family of self-propelled artillery is introduced with this budget. This new artillery is lighter, more mobile, and, utilizing new ammunition, will have greater range than that of types currently available.

The Army and Marine Corps will also buy a wide variety of guided missiles and rockets such as: Sergeant, Honest John, Little John, and Lacrosse for medium and close range ground fire support; Davy Crockett for an integral infantry-unit close-range atomic support weapon; and Hawk and Redeye for defense of field forces against air attack. Army aircraft procurement

proposed for 1961 is more than 35 percent higher than for the current year, and includes funds for surveillance aircraft and for utility and medium cargo helicopters.

The tactical forces of the Army are supported by the tactical air wings of the Air Force which will also be provided with an increased capability under these budget recommendations. Funds are provided for increased procurement of F-105 supersonic all-weather fighter bombers. These aircraft, with their low-altitude handling characteristics and large carrying capacities for both nuclear and nonnuclear weapons, will strengthen significantly the air support available to the Army ground units.

The three Marine divisions are tactically supported by three Marine aircraft wings, which will also receive quantities of new aircraft.

*Military assistance.*—The ability of the free world to deter aggression depends on the combined strength and determination of many countries. The total forces of the countries receiving aid under the military assistance program include about 5 million Army troops, 2,200 combatant ships, and over 25,000 aircraft, about half of which are jet. These forces make a vital contribution to the security of the free world, including the United States.

A committee of distinguished private citizens, the President's Committee to Study the United States Military Assistance Program, conducted an extensive and comprehensive analysis of the mutual security program during the last year. I have previously transmitted the reports of the Committee to the Congress.<sup>2</sup> Many of the significant findings and recommendations of this group have been put into effect by the executive agencies; others are in the process of implementation. The military assistance program has been budgeted in 1961 with other activities and programs of the Department of Defense, and major changes are being made in the management, organization, and programming of military assistance.

Last spring I mentioned the possibility of requesting a supplemental appropriation as sug-

gested by the Committee largely to expedite modernization of NATO forces. However, in view of the time factor involved in securing a separate authorization and appropriation for 1960, a supplemental request this year is not practical.

The new obligational authority of \$2 billion recommended for fiscal year 1961 for the military assistance program will provide the training and quantities of materiel required to support the forces in the countries receiving aid. Because of the long leadtime required for many items, procurement must be started in 1961 in order to provide the necessary deliveries in future years. During recent years, deliveries have been maintained only by drawing down the backlog of undelivered items by an amount ranging from \$500 to \$800 million per year. The backlog has now been reduced to the point where adequate deliveries in the future must depend on new appropriations.

The defense of Western Europe in this era of modern weapons is costly and must be accomplished through the combined efforts of all NATO countries. Many of these countries have now assumed the financial responsibility for producing or purchasing conventional arms and equipment which the United States previously supplied. At the same time, the 1961 military assistance program squarely faces the pressing need for new and costly weapons for which the free world still looks for help from the United States. In addition, it provides for an intensified training effort to assure effective use and maintenance of the new equipment by allied forces.

This budget also provides for military assistance to countries which are building defenses against aggression and subversion in other parts of the world. These countries border on aggressive regimes, or are confronted with strong internal subversive elements. Many of them have joined in mutual defense organizations such as the Southeast Asia Treaty Organization (SEATO) and the Central Treaty Organization (CENTO), or with the United States in bilateral defense agreements. Assistance to these countries, most of which are in the Near East and the Far East, emphasizes primarily the strengthening of conventional forces in keeping with the nature of the threat in each area.

<sup>2</sup>The Composite Report of the President's Committee To Study the United States Military Assistance Program is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. The price for vol. I is 60 cents, for vol. II (Annexes) \$1.



**Atomic energy activities.**—In 1961 the expenditures for the Atomic Energy Commission are expected to remain at the 1960 level of about \$2.7 billion. Substantial increases for research and development activities will be offset by reductions in procurement of uranium ore concentrates from United States and Canadian producers. These reductions will bring ore supplies into better balance with production requirements.

Development and production of nuclear weapons in 1961 will remain at the high levels of previous years. The vigorous development of military reactors for a variety of propulsion and power uses will continue. When the land-based prototype reactor for a destroyer is placed into operation in 1961 along with four other naval prototype reactors now operating, nuclear powerplants will be available for major types of naval combatant ships. Emphasis in naval reactor development in 1961 will be placed primarily on development of improved and longer lived reactor fuel. The development of nuclear ramjet engines for missiles, of nuclear aircraft engines, and of nuclear electric powerplants for use at remote military bases will be carried forward.

**Peaceful uses of atomic energy.**—Expenditures in 1961 for development of civilian electric power from atomic energy are estimated at \$250 million. Of this amount, \$185 million is for research and development and \$65 million is for construction of civilian power reactors and related development facilities. The estimated expenditures include amounts from proposed new appropriations of \$40 million for assistance to private and public power groups in developing and building demonstration nuclear powerplants, and alternatively for such direct Government construction as may be considered necessary. The number, type, and size of reactors built and the nature of the assistance provided will be determined by the Commission after considering the state of technology and the cooperation proposed by industry.

Expenditures by the Commission for research in the physical and life sciences in 1961 will again increase substantially to over \$210 million. This level of research will help the United States to continue its leadership in the study of the behavior of the basic matter of the universe and the effects of radiation on man and his environment. The largest part of the increase will be used to

place in operation in the next 18 months three new particle accelerators in the multibillion electron-volt energy range, including the alternating gradient synchrotron at Brookhaven National Laboratory.

In support of the civilian space program, the Atomic Energy Commission will continue development of nuclear-powered rockets and small, long-lived nuclear power sources for space vehicles. Development work on thermonuclear power and on applications of nuclear explosives to a variety of civilian uses will continue in 1961.

**Stockpiling and defense production expansion.**—Most of the objectives for the stockpile of strategic and critical materials have been met. Receipts of materials under contracts to promote expansion of defense production are continuing at a reduced rate, as the number of such contracts still in effect declines. Hence, expenditures for stockpiling and expansion of defense production are estimated to decline from \$230 million in 1960 to \$134 million in 1961.

Amendments to outstanding contracts are now being negotiated where practicable, so as to minimize the delivery of materials no longer required for stockpiling. Arrangements are also under way to dispose of materials excess to stockpile objectives whenever disposal will not seriously disrupt markets or adversely affect our international relations.

#### International Affairs and Finance

The United States is continuing to support programs to maintain world peace and to improve economic conditions throughout the free world. In helping to improve economic conditions, we are being joined in larger measure by our friends in the free world who have now reached a high level of prosperity after recovering from the ravages of war. Accordingly, multilateral programs are being expanded. At the same time, the pressing need for economic development requires the continuation of substantial economic assistance under the mutual security program.

Expenditures for international affairs and finance are estimated to be \$2.2 billion in the fiscal year 1961. This amount is \$177 million higher than estimated expenditures for 1960, mainly because of larger disbursements by the Development Loan Fund under prior commitments.

# INTERNATIONAL AFFAIRS AND FINANCE

[Fiscal years. In millions]

| Program or agency                              | Budget expenditures |               |               | Recommended new obligational authority for 1961 |
|--|---------------------|---------------|---------------|---|
|  | 1959 actual         | 1960 estimate | 1961 estimate |   |
| Economic and technical development:            |                     |               |               |   |
| Mutual security—economic:                      |                     |               |               |   |
| Development Loan Fund.....                     | \$66                | \$175         | \$300         | \$700   |
| Technical cooperation.....                     | 169                 | 170           | 175           | 206   |
| Defense support.....                           | 881                 | 740           | 730           | 724   |
| Special assistance.....                        | 257                 | 250           | 255           | 268   |
| Other.....                                     | 120                 | 105           | 110           | 101   |
| Contingencies.....                             | 30                  | 110           | 130           | 175   |
| Subtotal, mutual security—economic.....        | 1,524               | 1,550         | 1,700         | 2,175   |
| International Monetary Fund subscription.....  | 1,375               |               |               |   |
| Inter-American Development Bank.....           |                     | 80            |               |   |
| Export-Import Bank.....                        | 390                 | -56           | -7            |   |
| Emergency relief abroad and other.....         | 113                 | 140           | 131           | 116   |
| Conduct of foreign affairs:                    |                     |               |               |   |
| Administration of foreign affairs.....         | 211                 | 205           | 197           | 205   |
| Philippine claims:                             |                     |               |               |   |
| Present program.....                           | 24                  |               |               |   |
| Proposed legislation.....                      |                     |               | 49            | 49  |
| Other.....                                     | 2                   | 5             | 3             | 2   |
| Foreign information and exchange activities:   |                     |               |               |   |
| United States Information Agency.....          | 109                 | 110           | 124           | 124   |
| Department of State, exchange of persons.....  | 22                  | 24            | 36            | 36  |
| President's special international program..... | 8                   | 7             | 8             | 9   |
| Total.....                                     | 3,780               | 2,066         | 2,242         | 12,715  |

<sup>1</sup> Compares with new obligational authority of \$6,982 million enacted for 1959 and \$2,697 million (including \$49 million of anticipated supplemental appropriations) estimated for 1960. The 1959 authorization included \$3,175 million for the International Bank for Reconstruction and Development and \$1,375 million for the International Monetary Fund.

**Mutual security program.**—Through the mutual security program as a whole the United States helps promote stability and economic growth in less-developed countries and helps strengthen the defenses of the free world. For these purposes new obligational authority of \$4,175 million is recommended in fiscal year 1961, an increase of \$949

million over the amount enacted for 1960 (of which \$700 million is for military assistance). Expenditures are estimated to be \$3,450 million, an increase of \$100 million over 1960.

The military assistance portion of this program is carried in the Department of Defense chapter and has been discussed in the major national security section of this message. Economic assistance is discussed in the following paragraphs in this section.

**Development Loan Fund.**—The Development Loan Fund was established in 1957 in order to provide capital to less-developed countries, when capital is not available from other sources. The capital is provided on favorable terms, often including the option to repay in the borrower's own currency. By the end of the fiscal year 1960, the Fund will have made commitments for an estimated 148 loans totaling some \$1,400 million. More than three-fourths of the projects it is financing are for roads, railroads, electric power generation, and industry, including industrial development banks. Because many of these projects require several years for construction, expenditures have thus far been relatively small. However, in the fiscal year 1961 they are estimated to be \$300 million, an increase of \$125 million over 1960. New obligational authority of \$700 million is requested for 1961, an increase of \$150 million over the amount enacted for 1960. This will provide the loan funds essential to our foreign policy objective of assisting in the economic growth of the less-developed countries of the free world.

**Technical cooperation.**—Technical and administrative skills are no less important for the newly developing countries than capital. Through the technical cooperation program, American experts are sent abroad to transmit the skills required in a modern economy and foreign technicians are brought to the United States for training.

For the fiscal year 1961, new obligational authority of \$206 million is requested, which is \$25 million over the amount enacted for 1960, in order to permit an increase in the bilateral programs. It will also permit a higher contribution to the United Nations technical assistance program and the related special fund; as other governments increase their contributions for the United Nations programs, the United States contribution, which is two-fifths of the total, also increases.

## MUTUAL SECURITY PROGRAM

[Fiscal years. In millions]

| Program                                       | Budget expenditures |               |               | Recommended new obligational authority for 1961 |
|---|---------------------|---------------|---------------|---|
|   | 1959 actual         | 1960 estimate | 1961 estimate |   |
| Military assistance . .                       | \$2, 340            | \$1, 800      | \$1, 750      | \$2, 000  |
| Economic (including technical) assistance . . | 1, 524              | 1, 550        | 1, 700        | 2, 175  |
| Total, mutual security . . . .                | 3, 864              | 3, 350        | 3, 450        | 4, 175  |

<sup>1</sup> Compares with new obligational authority of \$3,448 million enacted for 1959 (\$1,515 million military, \$1,933 million economic) and \$3,226 million enacted for 1960 (\$1,300 million military, \$1,926 million economic).

**Defense support.**—Many of the less-developed countries participating in the common defense maintain large military forces whose cost imposes a severe strain upon their limited economic resources. In order to help maintain political and economic stability and to prevent the cost of necessary defensive forces from unduly hindering economic development, the United States provides economic aid principally by supplying commodities for consumption and raw materials and machinery for industrial production. For the fiscal year 1961, new obligational authority of \$724 million is requested, an increase of \$29 million over the amount enacted for 1960.

**Special assistance.**—New obligational authority of \$268 million is requested for economic assistance to promote economic and political stability in various countries of the free world where the United States is not supporting military forces, and for certain other special programs. In several instances, this assistance indirectly relates to military bases maintained by the United States.

The appropriation recommended for special assistance in 1961 is \$23 million above the amount enacted for 1960. Additional programs are proposed to help improve conditions in Africa, largely for education, public health, and administration.

Increased funds will also be devoted to certain worldwide health programs in conjunction with the World Health Organization of the United Nations. The largest of these is the malaria eradication program, now in its fourth year. In addition numerous public health projects are supported through technical cooperation.

**Other mutual security programs.**—Other programs include assistance to refugees and escapees; grants of atomic research equipment, including reactors, to the less-developed countries for training and research in nuclear physics; support of the NATO science program; and the United States contribution to the United Nations Children's Fund. For the fiscal year 1961, new obligational authority of \$101 million is requested, an increase of \$1 million above the amounts enacted for 1960.

**Contingencies.**—Experience has shown that economic and military assistance is also required in some international situations which cannot be foreseen or for which it is not possible to estimate

in advance the specific amount needed. To cover situations of this type, new obligational authority of \$175 million is requested.

### **Other economic and technical development.**—

More resources from countries of the free world are being channeled into economic development by increasing the capital funds of international organizations. In the past year the capital of the International Bank for Reconstruction and Development was doubled and that of the International Monetary Fund increased by half.

The Inter-American Development Bank, with planned total resources of \$1 billion, including \$450 million from the United States, is expected to begin operations before the close of this fiscal year. Expenditures of \$80 million are estimated in the fiscal year 1960 as the first installment of the U.S. cash investment in the Bank. In addition, guarantee authority of \$200 million will be made available, on the basis of which the Bank can sell its bonds to private investors.

Last October the Governors of the International Bank for Reconstruction and Development unanimously approved in principle a U.S. proposal for an International Development Association, which will be closely affiliated with the Bank. Under this proposal, the Association will make loans on more flexible terms than the Bank is able to offer under its charter, such as loans repayable in the currency of the borrowing country. In addition, it is expected that the charter of the Association will contain provisions under which a member could provide to the Association, for use in lending operations, other member country currencies which it holds. The draft charter of

the Association is being prepared and will probably be submitted to the member governments early this year. Legislation authorizing U.S. participation and making financial provision for membership will be transmitted to the Congress at the appropriate time.

*Private investment.*—The United States is trying to encourage more reliance on private enterprise in foreign economic development. During the past year, the Department of State and the Business Advisory Council of the Department of Commerce have both completed special studies on ways to increase the role of private investment and management abroad. Tax treaties, with investment incentive clauses, are now being negotiated with many countries. More trade missions are being sent abroad. Several of the less-developed countries are opening business information offices in this country. As a result of these various activities, more private investment in the less-developed areas should be forthcoming. To provide an additional incentive, U.S. taxation of income earned in the less-developed areas only should be deferred until repatriated.

*Export-Import Bank.*—The oldest Federal agency specializing in foreign lending and the largest in terms of foreign loan volume is the Export-Import Bank. In the fiscal year 1961 the Bank plans to devote an increasing share of its program to transactions which support economic development abroad. At the same time the Bank plans to finance its operations without requiring net budgetary expenditures by encouraging more participation by private lenders in its loan program and by using funds obtained from repayments on its large outstanding portfolio.

*Eligibility for assistance.*—Amendments to the Battle Act to revise the eligibility requirements for assistance to certain countries are pending before the Congress. It is highly desirable that they be enacted.

*Conduct of foreign affairs.*—The Department of State is making plans to strengthen further the administration of foreign affairs in the fiscal year 1961. The disarmament staff is being expanded in preparation for discussions on disarmament soon to begin in Geneva and for the continuation of the negotiations on the suspension of nuclear tests. Language training programs will also be expanded. New diplomatic and consular posts

will be opened in Africa, Latin America, South Asia, and Eastern Europe. For these and other activities, new obligational authority of \$205 million is requested for the fiscal year 1961.

Legislation is recommended to remove certain reservations on acceptance by the United States of jurisdiction of the International Court of Justice (the World Court).

Legislation will be requested for payment in the fiscal year 1961 of certain war damage claims of the Philippine Government against the United States in the amount of \$73 million. These claims will be partially offset by an amount, now estimated at approximately \$24 million, owed to the United States by the Philippine Government. Pending legislation should be enacted in fiscal year 1960 to authorize compensation of \$6 million to displaced residents of the Bonin Islands.

*Foreign information and exchange activities.*—New obligational authority totaling \$168 million is requested for foreign information and exchange activities in the fiscal year 1961. The United States Information Agency plans to expand its programs in Africa and Latin America, including construction of a new Voice of America transmitter in Africa. The Agency will make greater use of the growing number of television facilities overseas. The expansion of domestic radio transmitting facilities, begun last year in order to improve oversea reception, will continue. Exchanges of key persons with about 80 other countries will be increased, with special emphasis on leaders and teachers.

The plans presented in this budget meet the Nation's immediate needs and will support continuing sound economic growth in the future. The achievement of these plans, however, will in the last analysis depend on the people themselves.

I believe our people have the determination to hold expenditures in check, to pay their own way without borrowing from their children, to choose wisely among priorities, and to match sound public policy with private initiative. It is that determination which is the key to continued progress and sound growth with security. It is that determination which reinforces the recommendations I have made.

DWIGHT D. EISENHOWER.

JANUARY 18, 1960.



## Importance of the Space Program in International Relations

*Statement by Under Secretary Merchant<sup>1</sup>*

I am appearing before your committee this morning in place of the Secretary of State, who regrets as much as I do that it was impossible for him to be with the committee today. I will be followed by a distinguished group of witnesses including Mr. Allen Dulles, Mr. George Allen, Dr. Keith Glennan, and Secretary of Defense [Thomas S.] Gates [Jr.]. Most of the questions which I imagine this committee is most interested in will, I am sure, be answered by the testimony of those who follow me. I am equally sure that the committee understands that the Department of State, interested as it is in the exploration and use of outer space, has no technical competence or operational responsibility in this field. The Department's interest is substantially concerned with how our position in this field bears on our relations with other countries.

The exploration and use of outer space have introduced a new element into the complex of factors governing relations among nations. What we do in this new field and the manner in which we do it have both actual and symbolic significance.

Although the practical potentialities of outer-space activities cannot now be fully foreseen, outer space clearly represents a field from which man may derive substantial benefits, into which man may strive to extend his power and influence, and about which conflicts may arise. All nations have an interest in the opportunities and problems thus presented.

Besides this fact, the achievements of a nation in outer space may be construed by other nations as dramatically symbolizing national capabilities

and effectiveness. The challenge to the imagination has been great. Equally great have been the skills and resources needed to respond to this challenge. Consequently achievements in outer space have been both startling and impressive.

The connotations of those achievements are inescapable. The sending of a manmade object into orbit around the earth or beyond the claim of the earth's gravity requires a very high order of scientific knowledge and skill supported by extensive technological and industrial capabilities. Furthermore, a flight into outer space which itself has no direct military importance may have military implications since the performance of space vehicles is indicative of missile capabilities in thrust and, to an extent, guidance.

### Achievements of Soviet Union

By being first to achieve success in space flight, the Soviet Union has reaped great prestige. Continuing achievements have made this gain an enduring one. It has become apparent to all that the Soviet Union is capable, where it chooses to concentrate its efforts, of pioneering work in advanced and difficult fields of science and technology. It has been demonstrated that the Soviet Union is not limited to following and imitating the achievements of Western science and technology.

Although this new and justified view of Soviet capabilities is greatly to the credit of the Soviet Union, Soviet spokesmen would like the world to draw even more far-reaching conclusions. The Soviet Union would clearly like the world to conclude from its successful satellites and lunar probes that the Soviet Union has drawn abreast and even ahead of the United States in all of the broadly related fields which contribute to or derive ad-

<sup>1</sup> Made before the House Committee on Science and Astronautics on Jan. 20 (press release 27).

vantage from such accomplishments. Further, the Soviet argument runs that these successes portray overall capabilities, including military strength, and therefore that the Soviets ride the wave of the future.

The spectacular character of Soviet achievements has undeniably overshadowed the accomplishments of the United States, and it would be dangerous to regard as insignificant the effects of Soviet claims based on its achievements.

#### **Broad Basis of U.S. Space Program**

It is not within the competence of the State Department to attempt to compare the United States and the Soviet space programs. I believe, however, that later witnesses appearing before your committee will show that, while the United States is behind the Soviet Union in total outer-space achievements, a balanced appraisal indicates substantial and significant achievements on our own part. I also believe that these witnesses will testify that our program of space science and its practical applications appears to be sounder and broader than that of the Soviet Union.

Furthermore, what we have done and are continually doing in the many fields of modern science and technology, in addition to outer space, makes absurd any contention that scientific and technological leadership on any broad front has passed to the Soviet Union.

Finally, insofar as military aspects are concerned, I think I should properly leave this aspect to be dealt with by later witnesses.

My purpose is to place in perspective the fact that, in response both to Soviet outer-space achievements and to relentless Soviet propaganda exploitation of them, the world image of the general standing of the Soviet Union has been enhanced. This is not to say that we have lost the confidence of our friends in our strength or our scientific and technological capability. There is no doubt, however, that our friends are watching our own future progress and achievements in this field.

#### **Working Through the United Nations**

I have dealt extensively with the symbolic significance of outer-space achievements because I believe we must all recognize these facts of life in the early space age. It is equally important,

however, to examine the actual opportunities and problems arising from outer-space activities, and I wish now to turn to certain objectives and characteristics of the United States outer-space program which I believe have been recognized abroad and which we ourselves should fully appreciate. These matters relate in particular to the manner in which the United States as a free society and a willing member of the international community has gone about its outer-space effort, and to the relationship between our approach and the substance of our program.

In contrast with the Soviet Union, the United States has taken an active lead in seeking international cooperation and consultation regarding the new opportunities and problems which are arising. Our approach has recognized two aspects of these matters. The first is that of consulting and cooperating in an effort to find means of assuring the use of outer space for peaceful purposes only. The second is that of consulting and cooperating in the conduct of outer-space activities and in the establishment internationally of an orderly basis for their accomplishment.

With respect to the first of these matters our approach has been consistent. Even before the launching of the first earth satellite, the President invited the Soviet Government to join in an effort to find ways to assure that outer space be used for peaceful purposes only.<sup>2</sup> Ambassador Lodge has reiterated this proposal on appropriate occasions in the United Nations. The United States has thus made clear its desire, either as a part of or separately from the more inclusive efforts to establish control of armaments, to study and explore together with the Soviet Union and other nations what might be done to accomplish this objective.

Meanwhile we have sought to proceed with more immediately attainable consultative and cooperative activities related to peaceful uses themselves. In doing so, we have recognized that outer space, by its very nature, is not the concern of one nation or of only a few. It is of interest to all.

Accordingly, as one indispensable measure to foster international consultation and cooperation, we have taken the lead in United Nations activities related to outer space. In the Thirteenth General Assembly, with the support of a number of other countries, we succeeded in having established a

<sup>2</sup> BULLETIN of Sept. 16, 1957, p. 455.

United Nations *Ad Hoc* Committee on the Peaceful Uses of Outer Space.<sup>3</sup> This committee was requested by the General Assembly to study and report on appropriate areas of cooperation, the nature of emerging legal problems, and future organizational arrangements to facilitate cooperation.

The Soviet Union and certain other countries refused to participate in the pioneering work of this committee. Nevertheless, a constructive study was carried out and reported to the Fourteenth General Assembly in the fall of 1959.<sup>4</sup> This study has provided an informed basis on which the General Assembly can better approach the new matters with which it will have to deal. The Department wishes to express its thanks to the members of the Congress who served as advisers to the United States delegation to the *Ad Hoc* Committee of the United Nations. We regard the *Ad Hoc* Committee's meetings as highly productive.

Following submission of this initial study to the General Assembly, we again actively sought the continuance of United Nations efforts and succeeded in reaching unanimous agreement among members of the General Assembly on establishment of a committee to examine practical measures to follow up the initial study and, in particular, to work out proposals for convening an international scientific conference for the exchange of experience in the peaceful uses of outer space.<sup>5</sup> The Soviet Union agreed to take part in the work of this new committee and, indeed, proposed the international conference to which the committee will first turn its attention. I believe the ability of the United States and the Soviet Union to reach agreement on these matters is of the utmost importance.

We are now engaged in working out specific proposals and plans for the international conference and for other promising activities of the new committee. We believe strongly that the proposed conference will serve as a valuable meeting ground for people engaged in outer-space activities or interested in the results of these activities. It would usefully supplement exchanges thus far carried out in the international scientific community and should, we believe, be broader in its scope than the normal exchanges through purely scientific channels. We have welcomed as a hopeful sign

the Soviet Union's willingness now to share its experience and to participate in future activities.

In addition to these efforts to insure that the United Nations is appropriately organized to consider the problems and opportunities of the space age and is fully informed about them, one other aspect of our work within the framework of the United Nations is particularly significant. The allocation of radio frequencies represents the first practical problem of a regulatory character which confronts us in the outer-space field and constitutes an important component in providing internationally a basis for the orderly accomplishment of outer-space activities. Meeting during the fall of 1959 with over 80 other countries in the International Administrative Radio Conference of the International Telecommunication Union, the United States called attention to the need for reserving radio frequencies for space communications and radio astronomical research. Although the Conference accorded some recognition to this problem and made minimal provision for frequencies for these services, the results of the Conference can be regarded as only a first step toward resolution of a problem which will become increasingly pressing in the future and toward the general goal of adopting useful regulatory measures.

### Three Operational Characteristics of U.S. Program

In the conduct of our own space program, moreover, we have also carried out in practice the principles of consultation and cooperation which we have supported in the United Nations. In doing so, we have been assisted by three "operational" characteristics of the United States program.

First, the United States program, by its nature and by virtue of our geographic position, requires a worldwide system of ground support facilities. A worldwide tracking and communications network plainly depends upon the participation of other nations and opens the way to direct cooperation. The number of countries involved in such cooperation, in various degrees, is now approaching perhaps 20.

Second, our national tradition of "openness" has provided the basis for free and prompt dissemination of the results of our scientific activities—a matter in which we have been more consistent and conscientious than the Soviet Union—and also for bringing scientists of other countries actively into the planning and conduct of scientific

<sup>3</sup> *Ibid.*, Jan. 5, 1959, p. 24.

<sup>4</sup> U.N. doc. A/4141.

<sup>5</sup> BULLETIN of Jan. 11, 1960, p. 64.

experiments. We have, for example, explored possible cooperative programs with the British and look forward to completing an agreement to this end. We are undertaking similar discussions with Japan and with certain other countries. In recognition of the fact that the interests of NATO [North Atlantic Treaty Organization] go beyond defense matters, we have offered through the NATO Science Committee to incorporate in future satellites scientific experiments which may be proposed by scientists of NATO countries.

Of particular importance is the support which we have given to nongovernmental scientific organizations which are active in the field of outer space and which, indeed, represent the traditional channel for scientific cooperation. The Committee on Space Research of the International Council of Scientific Unions is prominent in this regard. We have offered to place in orbit individual experiments or a complete scientific payload recommended by COSPAR.

The openness of our outer-space program thus enables us to make possible mutually beneficial participation in outer-space activities and to benefit from results achieved by scientists of countries which are not themselves actively launching earth satellites and space probes. It has the further advantage of widely informing the international scientific community of our own progress and achievements in the field of outer space. Although security considerations may affect some aspects of outer-space programs, I believe that openness should continue to be a keynote of the United States effort.

A third characteristic of our effort has been our natural interest in the development of what may be called service or utilitarian applications of space vehicles. I refer to such information gathering and transmitting satellites as those for communications, meteorology, and navigation. The benefits of such satellites, when they become practical, will be widespread and should be widely shared. Such activities may, of course, add to the strength of our military position as well as contribute usefully to civilian activities. Furthermore, we should not overlook the possible usefulness of service satellites in contributing to the stability of international relationships and to maintaining the peace by providing information which will, for example, serve to discourage attempts at surprise attack. Closely related is the

potential use of service satellites in enforcing international arms-control agreements.

#### **Fundamental Differences in Approach**

I mention these characteristics of our outer-space effort because they promise to be of growing significance in facilitating the role of the United States in those international consultative and cooperative activities which give substance and meaning to outer space insofar as other countries are concerned and which, in turn, form a valuable support of our own effort. I have mentioned them also because they represent fundamental differences in the approach of the United States and the Soviet Union. These differences have not gone unrecognized by other countries, and our cooperative and consultative efforts have gained increasing recognition abroad. We feel that these efforts have strengthened our own position in an area where, by virtue of our free society, we enjoy greater flexibility than the Soviet Union.

The performance of the United States and the Soviet Union in outer space will inevitably be compared by the rest of the world, and I wish to leave no doubt in the committee's mind that the Department of State fully supports a strong and vigorous outer-space effort. As much as developments in any other area, the events in outer space of the past 2 years have made it clear to all that the Soviet threat is neither purely political nor short-term. The Soviet accomplishments in this field are witness to strong scientific, technical, and industrial capabilities, organizational effectiveness in concentrated effort, and they reflect growing military strength. These are sobering facts. But the danger to ourselves would come not from recognition of these facts but from refusal to recognize them.

The international power position of the United States by no means rests on activities in the field of outer space alone. These have, however, because of their dramatic impact, assumed a special significance. We are responding in the traditions of a free society. I am sure that by maintaining a broadly based, imaginative scientific and technological effort in the exploration and use of outer space we shall find proof of the capabilities and effectiveness of our free society.

If I may at this point summarize my testimony, I would first note that all nations on this globe have an interest in the opportunities and prob-



lems with which outer space and its ultimate exploration so dramatically confront us. The Soviet Union, first to achieve a spectacular success in space flight, has gained thereby great prestige. The prospect is that this lead will not be easily overcome. As one would expect, Soviet propaganda has with some success capitalized on the technological achievements of the Soviet Union by attempting to present an image of preeminent achievement not merely in science and technology but across the board, including military power.

It would be wrong and dangerous to discount either the achievement or the impact of that achievement on the minds of peoples all over this world.

What I have also said, however, is that testimony will be given to show the strength and breadth of our own space program. Our own achievements negate any contention that scientific and technical leadership on any broad front has passed to the Soviet Union. The military aspect of all this I will leave to the witnesses who follow me.

I have also noted—and I think this of great importance—that the basic approach of our country differs from that of the Soviet Union. We have emphasized from the outset consultation and cooperation with others. Even more important, we have taken the lead in the effort to establish a firm foundation for the devotion of outer space to peaceful purposes. Our leadership in the United Nations and elsewhere in this effort is undeniable, and we will continue to tread this path.

We will continue to work with other nations on the basis of our national tradition of "openness," and we will pursue our efforts to develop space vehicles for purposes of genuine service and utility to ourselves and those who are cooperating with us.

The Department of State throws its full support to a vigorous and continuing national effort in the challenging field of outer space. Soviet accomplishments in this field testify to the capacities of the Soviet Union. As responsible members of a free society, we recognize this fact. We have, however, full confidence that through our national efforts the United States on the broad scientific front can and will demonstrate in the field of outer space the leadership which is historically associated with free men.

## Congressional Documents Relating to Foreign Policy

### 86th Congress, 1st Session

Fallout From Nuclear Weapons Tests. Hearings before the Special Subcommittee on Radiation of the Joint Atomic Energy Committee. Volume 1. May 5-8, 1959. 948 pp.

To Authorize a Payment to the Government of Japan. Hearings before the Subcommittee on the Far East and the Pacific of the House Committee on Foreign Affairs on S. 2130. August 27 and 28, 1959. 23 pp.

Tensions in Communist China. An analysis of internal pressures generated since 1949 prepared at the request of Senator Alexander Wiley by the Legislative Reference Service of the Library of Congress. S. Doc. 66. September 11, 1959. 73 pp.

Communist Threat to the United States Through the Caribbean. Hearings before the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Senate Committee on the Judiciary. Part III, November 5, 1959. 38 pp.

Comparisons of the United States and Soviet Economies. Hearings before the Joint Economic Committee pursuant to Sec. 5(a) of Public Law 304 (79th Congress). November 13-20, 1959. 292 pp.

United States-Latin American Relations: Commodity Problems in Latin America. A study prepared at the request of the Subcommittee on American Republic Affairs of the Senate Foreign Relations Committee by International Economic Consultants, Inc. No. 2. December 12, 1959. 96 pp. [Committee print].

Soviet Intelligence in Asia. Hearing before the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Senate Judiciary Committee. Testimony of A. Y. Kasnakheyev. December 14, 1959. 25 pp.

United States-Latin American Relations: The Organization of American States. A study prepared at the request of the Subcommittee on American Republic Affairs of the Senate Foreign Relations Committee by Northwestern University. No. 3. December 24, 1959. 87 pp. [Committee print].

### 86th Congress, 2d Session

The State of the Union. Address of the President before a joint session of the Senate and the House of Representatives. H. Doc. 241. January 7, 1960. 12 pp.

Special Study Mission to Europe. Report by members of the House Committee on Foreign Affairs. January 11, 1960. 34 pp. [Committee print].

A Study of European Economic Regionalism—A New Era in Free World Economic Politics. Report of a special study mission of the Subcommittee on Europe of the House Foreign Affairs Committee. January 11, 1960. 136 pp. [Committee print].

United States Foreign Policy: The Formulation and Administration of United States Foreign Policy. Study prepared at the request of the Senate Foreign Relations Committee by the Brookings Institution. No. 9. January 13, 1960. 191 pp. [Committee print].

Ninth Annual Report of the Activities of the Joint Committee on Defense Production, With Material on Mobilization From Departments and Agencies. H. Rept. 1193. January 13, 1960. 340 pp.

Agreement With the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests. Message from the President transmitting an agreement signed at Washington on January 30, 1959. S. Ex. A. January 14, 1960. 15 pp.

## Progress and Prospects for European Migration, 1959-60

### THIRTEENTH SESSION OF EXECUTIVE COMMITTEE AND ELEVENTH SESSION OF COUNCIL OF THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

by George L. Warren

The Intergovernmental Committee for European Migration (ICEM) is composed of 29 member governments. Its purpose is to facilitate the movement from overpopulated areas in Europe of migrants and refugees who would not otherwise be moved. The Council, consisting of all 29 member governments, and the Executive Committee of 9 governments meet twice annually at the headquarters in Geneva.

The Council met in its 11th session at Geneva November 12-20, 1959. The Executive Committee convened on November 4 and adjourned on November 20, 1959.<sup>1</sup> Phillippe Monet (France) presided as chairman at the meetings of the Council and Eric O. Baron von Boetzelaer (Netherlands) as chairman of the Executive Committee. All members of the Council were represented except Paraguay. The Dominican Republic, Peru, San Marino, the Holy See, and the United Kingdom were represented as observers. The United Nations and the United Nations specialized agencies, the High Commissioner for Refugees, the Council of Europe, the Organization for European Economic Cooperation, and nongovernmental organizations interested in migration were also represented as accredited observers.

● *Mr. Warren is Adviser on Refugees and Displaced Persons, Department of State. He served as alternate U.S. representative to the 13th session of the ICEM Executive Committee and as principal adviser to the U.S. delegation to the 11th session of the ICEM Council.*

John W. Hanes, Jr., Administrator of the Bureau of Security and Consular Affairs of the Department of State, was the U.S. representative at the session of the Council. Robert S. McCollum, Deputy Administrator, Bureau of Security and Consular Affairs, as alternate, also represented the United States at meetings of the Executive Committee. Representative Francis E. Walter also attended as alternate U.S. representative. Senator Kenneth B. Keating, Representatives John E. Henderson and H. Allen Smith, Robert K. Gray, Secretary to the Cabinet, and Walter Sillers, Speaker of the House of Representatives of Mississippi, were other members of the U.S. delegation.

#### Financial Report for 1958

The financial report submitted by the Director for the year 1958, with the accompanying report of the external auditors, showed total income for administration of \$3,266,719, expenditures of \$3,195,695, and a carryover of \$71,024. Income for operations totaled \$24,291,575, expenditures were \$23,315,244, and the carryover into 1959 was \$976,331. The auditors' report made no recommendations requiring action by the Council. However, the Canadian representative questioned the adequacy of procedures of the auditors in spot checking sources outside the administration on items of accounts receivable listed in the balance sheet. The auditors replied directly that most

<sup>1</sup> For an article by Mr. Warren on the 10th session of the Council and the 12th session of the Executive Committee, see BULLETIN of July 13, 1959, p. 58.

of the accounts receivable involved payments by governments for operations in 1958 and that the accuracy of the items listed was adequately checked by a review of ICEM's correspondence with governments with respect to the amounts remaining unpaid on December 31, 1958. Of the total of \$2,524,825 of accounts receivable from governments on that date, \$2,060,334 had been received as of May 14, 1959. The Council adopted the report after these explanations.

#### Director's Report of Progress During 1959

The Director reported that of a total estimated movement of 112,670 from Europe in 1959, 84,993 had been moved by October 15. The movement of European refugees from mainland China through Hong Kong—1,375 by October 31, 1959—had been disappointing and reflected increased restrictions placed on the issuance of exit permits by the authorities on the mainland. In contrast, some 30,000 refugees had been moved overseas from Europe by the end of October, of whom 28,000 were under the mandate of the U.N. High Commissioner for Refugees. It was expected that over 38,800 would be moved by the end of the year. Many movements of physically and socially handicapped refugees had been made possible through the response of governments to the appeals for the World Refugee Year.

The Australian Government had agreed for the first time to experiment with loans to migrants for their transport. Arrangements were already in progress to initiate the loan scheme with respect to 1,500 selected Italian migrants who were about to depart for Australia. It was planned that repayments on the loans would be collected by Australian banks for ICEM's account.

The representatives of Argentina and Brazil in commenting on the Director's report urged the administration to concentrate its attention on securing more skilled and semiskilled migrants for their countries. These are badly needed immediately in their respective economies and should receive priority in the selection of migrants, as compared with relatives of former migrants who are predominantly consumers rather than producers.

In the course of the discussion two information papers, one on "Social Security for Migrants," presented by the Italian representative, and another on "ICEM's Relations with Volun-

tary Agencies," presented by the administration, were considered and noted by the Council along with the Director's report for 1959.

#### Agreement on Financing Movements of Refugees

The budgets and plans of operation for 1959 and 1960 were considered together by the Council, as each budget presented essentially the same continuing problem—the raising of sufficient income to maintain the current level of movements out of Europe at approximately the level of 112,000 in each year. During the preceding 3-year period ICEM had received substantial repayments on loans for transport from refugees moved in earlier years to the United States under the Refugee Relief Act of 1953. These payments were in large part concluded in 1959, and additional contributions from governments to replace this income would be needed to maintain the current level of movements. The requirements for additional income in 1959 were estimated at \$450,000 and at \$2 million for 1960.

The Executive Committee, in dealing with this problem, first explored the possibility of securing additional contributions toward the funds required to complete movements in 1959. Assisted by pledges of additional contributions of \$100,000 from Australia and \$50,000 from the Netherlands and by smaller pledges totaling approximately \$50,000 from other governments made during the session, the Executive Committee envisaged the possibility that the funds required for 1959 would be forthcoming before the end of the year after all the members of the Council had been apprised of the situation. As added assurance, however, the Executive Committee recommended, and the Council approved, the application of such funds as might be required from the contingency reserve of \$500,000 established in 1956 and 1957 to meet unusual requirements in transport income in any given year of operation.

In view of the fact that one-third of the shortfall of per capita income in meeting transport costs in 1959—approximately \$700,000—resulted from movements of refugees which had not in many instances generated compensatory per capita contributions, the Executive Committee recommended, and the Council agreed, that expenditures for the movement of normal migrants and for the movement of refugees be presented separately in the budget for 1960. The purpose of this

action was to encourage all governments to contribute to the movement of refugees in 1960, whereas emigration and immigration countries would be expected to bear the responsibility for providing adequate funds for the movement of normal migrants. In previous years Western European governments, not particularly interested in emigration from their particular countries, had refrained on grounds of principle from participating financially in ICEM's operations.

The ready acceptance by all member governments of responsibility to contribute to the movement of refugees was one of the main achievements of the session. The Council was pleased to have the assurance of the U.N. High Commissioner for Refugees that he would assist in every way possible to bring ICEM's needs for funds for the movement of refugees to the attention of governments during the World Refugee Year.

As one of its final actions the Council adopted a resolution appealing especially to all governments to contribute to the movement of refugees in 1960. The total cost of moving 37,000 refugees in 1960 was estimated at \$7,478,770.

#### **The 1960 and 1961 Budgets**

Governments were not prepared at the session of the Council to make firm pledges of contributions for 1960, particularly in view of the need for increased contributions. On the other hand, the Director stated that in the absence of firm pledges at the session he would be obliged to delay arrangements for movements in 1960 that were already in process in November 1959. Many governments were in turn concerned that the level of movements might thereby be reduced and were inclined to be more optimistic that adequate funds would be forthcoming to maintain the current level of movements.

This problem was finally resolved by adoption by the Council of recommendations by the Executive Committee that (1) the current level of movements be maintained by the Director during the first quarter of 1960; (2) the Executive Committee be convened in emergency session early in January 1960 to review pledges of contributions received and to adjust the plan of operations for the balance of the year as required by the income available or in sight at the time; and (3) the budget for 1960 be approved as presented by the Director with the knowledge that amendments

thereto might be required at the 12th session of the Council in April 1960 as a result of the Executive Committee review in January. The budget for 1960 adopted by the Council provided for the expenditure of \$3,089,500 for administration and \$32,261,582 for operations.

During the course of the discussion on the 1960 budget in the Council, a number of important statements bearing upon the working relations existing between the administration and their governments were made by the representatives of Argentina, Australia, Brazil, and the Netherlands. Argentina and Brazil desired that more emphasis be placed on the selection of skilled and semi-skilled migrants for their countries than on the movement of relatives joining earlier migrants. Australia and the Netherlands were concerned about maintaining the flow of migrants to or from their respective countries. The Council invited the Executive Committee to review these statements at its January meeting to determine what improvements in operations could be made in response to the respective government interventions.

The Council noted without detailed study the Director's forecast of 117,250 movements from Europe and 3,250 movements of European refugees from Hong Kong in 1961. The financial requirements for the 1961 program were estimated at \$3,100,000 for administration and \$33,273,830 for operations.

#### **Pilot Projects**

The Director reported that the training course for 10 specially selected migration officials approved by the Council at the ninth session had been successfully completed in Canada and that the officials attending the course were already back at work at their respective posts in different government administrations. He expressed the hope that a similar course could be organized within the next 2 years.

The Italian representative reported that the preparatory work for the opening of the vocational training center for migrants in Italy, also approved at the ninth session, had been completed and that over 300 migrants would soon begin actual training in preparation for emigration to Latin American countries.

Further progress was reported in the planning of the proposed farm training school for immigrants in Argentina, but action by the Council on the project was deferred at the suggestion of the



ssion of  
Execu-  
budget  
for the  
ion and

he 1960  
portant  
relations  
eir gov-  
ives of  
erlands,  
nphasis  
d semi-  
on the  
igrants.  
ncerned  
or from  
invited  
e state-  
e what  
e in re-  
entions.  
dy the  
s from  
n refu-  
cial re-  
imated  
273,830

course  
als ap-  
on had  
d that  
ly back  
nt gov-  
e hope  
within

at the  
e voca-  
y, also  
pleted  
gin ac-  
ion to

anning  
immi-  
ncil on  
of the

ulletin

U.S. representative to provide further opportunity for the Argentine and U.S. representatives to discuss the details and possible methods of financing the project.

#### **Ecuador Elected Member of ICEM**

On recommendation of the Executive Committee, the Council unanimously elected the Government of Ecuador as a member of ICEM. Ecuador had previously agreed to accept the constitution of ICEM and to contribute 0.12 percent of ICEM's budget for administration.

#### **Executive Committee for 1960**

Following the voluntary withdrawal of Germany as a candidate for reelection to the Executive Committee in 1960 to make possible the election of Spain, the Council elected the following governments as members of the Executive Committee in 1960: Argentina, Australia, Canada, Italy, Netherlands, Spain, Switzerland, United States, and Venezuela. Germany stated her confident expectation that she would be re-elected in 1961 as the result of the voluntary withdrawal of some other member of the Executive Committee in that year.

The Organization of American States was added to the list of recognized observers at Council sessions by formal action of the Council.

#### **Twelfth Session**

The Council adjourned its 11th session on November 20, 1959, and accepted the invitation of the Government of Italy to convene its 12th session at Naples on or about May 5, 1960. Appropriate ceremonies commemorating the movement of the one millionth migrant from Europe under ICEM's auspices will take place during the 12th session of the Council.

### **United States Delegations to International Conferences**

#### **ECE Committee on Electric Power**

The Department of State announced on January 22 (press release 29) that Jarvis D. Davenport, president, Sturgis Water Works Co., Sturgis, S. Dak., has been designated as the U.S.

Delegate to the 18th session of the Committee on Electric Power of the U.N. Economic Commission for Europe (ECE), which will convene at Geneva January 27, 1960.

The Electric Power Committee was established in 1947 and is one of the principal subsidiary bodies of the ECE. Its studies include economic questions concerning transmission of electric power and rural electrification. This session will review technical studies of the production and distribution of electric power in Europe, elect a secretariat chairman, and consider a work program for the coming year.

### **Current U.N. Documents: A Selected Bibliography<sup>1</sup>**

#### **Economic and Social Council**

- Economic Commission for Africa. Survey of Resources: Review of Geology and Mineral Investigation in Africa. Prepared by UNESCO. E/CN.14/30 and Corr. 1. December 10, 1959. 108 pp.
- Commission on Human Rights. Sub-Commission on Prevention of Discrimination and Protection of Minorities. Measures Taken by the United Nations Educational, Scientific and Cultural Organization for the Preparation of International Instruments Relating to Discrimination in Education. E/CN.4/Sub. 2/201 and Add. 1. December 16, 1959. 28 pp.
- Commission on the Status of Women. Information Concerning the Status of Women in Non-Self-Governing Territories. Report by the Secretary-General. E/CN.6/355. December 17, 1959. 35 pp.
- Commission on the Status of Women. Consent to Marriage, Age of Marriage and Registration of Marriages. Report by the Secretary-General. E/CN.6/356. December 21, 1959. 67 pp.
- Economic Commission for Africa. Meeting of Experts on Techniques of Development Programming in Africa 30 November to 5 December 1959 in Addis Ababa. Report by Executive Secretary. E/CN.14/42. December 23, 1959. 18 pp.
- Commission on the Status of Women. Information Concerning the Status of Women in Trust Territories. E/CN.6/352/Add. 1. December 29, 1959. 9 pp.
- Commission on Human Rights. Declaration on the Right of Asylum: Comments of Governments. Note by the Secretary-General. E/CN.4/793. January 4, 1960. 7 pp.
- Commission on Human Rights. Declaration of the Right of Asylum: Comments of Non-governmental Organizations. Note by the Secretary-General. E/CN.4/794. January 6, 1960. 11 pp.
- Statistical Commission. The Standard International Trade Classification and the 1955 Brussels Tariff Nomenclature: Proposal for Combining the Two Systems. Memorandum by the Secretary-General. E/CN.3/261. January 7, 1960. 116 pp.

<sup>1</sup> Printed materials may be secured in the United States from the International Documents Service, Columbia University Press, 2960 Broadway, New York 27, N.Y. Other materials (mimeographed or processed documents) may be consulted at certain libraries in the United States.

## TREATY INFORMATION

### Current Actions

#### MULTILATERAL

##### Aviation

Convention on international civil aviation. Done at Chicago December 7, 1944. Entered into force April 4, 1947. TIAS 1591.

*Adherence deposited (with a statement):* Panama, January 18, 1960.

##### Property

Convention for the protection of industrial property. Signed at London June 2, 1934. Entered into force August 1, 1938. 53 Stat. 1748.

*Notification by Australia of extension on February 5, 1960 to:* Papua, Norfolk Islands, Trust Territory of New Guinea.

##### Telecommunication

Telegraph regulations (Geneva revision, 1958) annexed to the international telecommunication convention of December 22, 1958 (TIAS 3266), with appendixes and final protocol. Done at Geneva November 29, 1958. Entered into force January 1, 1960. TIAS 4390.

*Notifications of approval:* Japan, November 24, 1959; Thailand, December 3, 1959; Finland, December 4, 1959.

##### Whaling

Amendments to paragraphs 1(a), 4(1), 5, 6(3), 7(a), 16, and 17(c) of the schedule annexed to the international whaling convention of 1946 (TIAS 1849). Adopted at the 11th meeting of the International Whaling Commission, London, June 22-July 1, 1959. Entered into force October 4, 1959, with exception of amendment to paragraph 4(1).

*Entered into force:* Amendment to paragraph 4(1), except for Iceland, January 3, 1960.

#### BILATERAL

##### Chile

Agreement extending agreement for a cooperative program of general geological and mineralogical investigations of the uranium resources of Chile (TIAS 3912). Effected by exchange of notes at Santiago November 18 and December 18, 1959. Entered into force December 18, 1959.

##### Greece

Agricultural commodities agreement under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (68 Stat. 455; 7 U.S.C. 1701-1709), with related notes. Signed at Athens January 7, 1960. Entered into force January 7, 1960.

##### Japan

Treaty of Mutual Cooperation and Security, with agreed minute and exchange of notes. Signed at Washington January 19, 1960. Enters into force on the date of exchange of ratifications.

Agreement under article VI of the Treaty of Mutual Cooperation and Security regarding facilities and areas and the status of United States armed forces in Japan, with agreed minutes and exchange of notes providing for the settlement of certain claims against the United States forces by former employees. Signed at Washington January 19, 1960. Enters into force upon exchange of notes indicating approval by the two Governments in accordance with their legal procedures and entry into force of Treaty of Mutual Cooperation and Security, Understanding revising references to the Security Treaty of September 8, 1951 (TIAS 2491), in the mutual defense assistance agreement of March 8, 1954 (TIAS 2957). Effected by exchange of notes at Washington January 19, 1960. Enters into force on the date of entry into force of the Treaty of Mutual Cooperation and Security.

## PUBLICATIONS

### Recent Releases

*For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.*

**Atomic Energy—Cooperation for Civil Uses.** TIAS 4339. 4 pp. 5¢.

Agreement between the United States of America and the Netherlands, amending agreement of June 22, 1956, as amended. Signed at Washington July 22, 1959. Entered into force October 30, 1959.

**Defense—Loan of Vessels to China.** TIAS 4340. 7 pp. 10¢.

Agreement between the United States of America and China, amending agreement of January 13, 1954. Exchange of notes—Signed at Taipei September 22, 1959. Entered into force September 22, 1959.

**Economic Cooperation—Informational Media Guaranty Program.** TIAS 4341. 3 pp. 5¢.

Agreement between the United States of America and the Republic of Korea. Exchange of notes—Signed at Seoul April 4, 1958, and September 25, 1959. Entered into force September 25, 1959.

**Cultural Relations.** TIAS 4342. 5 pp. 5¢.

Agreement between the United States of America and Guinea. Exchange of notes—Signed at Washington October 28, 1959. Entered into force October 28, 1959.

**Grant for Procurement of Nuclear Research and Training Equipment and Materials.** TIAS 4343. 5 pp. 5¢.

Agreement between the United States of America and Lebanon. Exchange of notes—Signed at Beirut September 16, 1959. Entered into force September 16, 1959.

**Surplus Agricultural Commodities.** TIAS 4344. 3 pp. 5¢.

Agreement between the United States of America and Iceland, supplementing agreement of March 3, 1959. Exchange of notes—Signed at Washington November 3, 1959. Entered into force November 3, 1959.

**Special Economic Assistance—Transportation of Wheat in Yemen.** TIAS 4346. 4 pp. 5¢.

Agreement between the United States of America and Yemen, supplementing agreement of June 29 and 30, 1959. Exchange of notes—Signed at Taiz October 3 and 4, 1959. Entered into force October 4, 1959.

|   |     |
|---|-----|
| <b>Atomic Energy.</b> Budget Message of the President (excerpts) . . . . .  | 202 |
| <b>Congress, The</b>  |     |
| Budget Message of the President (excerpts) . . . . .  | 202 |
| Congressional Documents Relating to Foreign Policy . . . . .  | 217 |
| Importance of the Space Program in International Relations (Merchant) . . . . .   | 213 |
| <b>Economic Affairs</b>   |     |
| Budget Message of the President (excerpts) . . . . .  | 202 |
| ECE Committee on Electric Power (delegation) . . . . .  | 221 |
| <b>Europe.</b> ECE Committee on Electric Power (delegation) . . . . .   | 221 |
| <b>International Law.</b> Law Day, 1960 (text of proclamation) . . . . .  | 201 |
| <b>International Organizations</b>  |     |
| ECE Committee on Electric Power (delegation) . . . . .  | 221 |
| Progress and Prospects for European Migration, 1959-60 (Warren) . . . . .   | 218 |
| <b>Iran.</b> U.S. Denies Change in Policy Toward Iran . . . . .   | 201 |
| <b>Japan</b>  |     |
| President Eisenhower Accepts Invitation To Visit Japan . . . . .  | 181 |
| Prime Minister Kishi Visits Washington for Signing of Treaty of Mutual Cooperation and Security Between the U.S. and Japan (Eisenhower, Fujiyama, Herter, Kishi, Merchant, Nixon; texts of joint communique, treaty, and related documents) . . . . . | 179 |
| <b>Military Affairs.</b> Budget Message of the President (excerpts) . . . . .   | 202 |
| <b>Mutual Security.</b> Budget Message of the President (excerpts) . . . . .  | 202 |
| <b>Presidential Documents</b>   |     |
| Budget Message of the President (excerpts) . . . . .  | 202 |
| Law Day, 1960 . . . . .   | 201 |
| Prime Minister Kishi Visits Washington for Signing of Treaty of Mutual Cooperation and Security Between the U.S. and Japan . . . . .  | 179 |
| <b>Publications.</b> Recent Releases . . . . .  | 222 |
| <b>Refugees.</b> Progress and Prospects for European Migration, 1959-60 (Warren) . . . . .  | 218 |
| <b>Science.</b> Importance of the Space Program in International Relations (Merchant) . . . . .   | 213 |

|   |     |
|---|-----|
| <b>Treaty Information</b>   |     |
| Current Actions . . . . .   | 222 |
| Prime Minister Kishi Visits Washington for Signing of Treaty of Mutual Cooperation and Security Between the U.S. and Japan (Eisenhower, Fujiyama, Herter, Kishi, Merchant, Nixon; texts of joint communique, treaty, and related documents) . . . . . | 179 |
| U.S.S.R. Importance of the Space Program in International Relations (Merchant) . . . . .  | 213 |
| United Nations. Current U.N. Documents . . . . .  | 221 |

## Name Index

|                                 |                         |
|---------------------------------|-------------------------|
| Davenport, Jarvis D. . . . .    | 221                     |
| Eisenhower, President . . . . . | 179, 181, 183, 201, 202 |
| Fujiyama, Aichiro . . . . .     | 183                     |
| Herter, Secretary . . . . .     | 183                     |
| Kishi, Nobusuke . . . . .       | 179, 182, 183           |
| Merchant, Livingston T. . . . . | 184, 213                |
| Nixon, Richard M. . . . .       | 181                     |
| Warren, George L. . . . .       | 218                     |

### Check List of Department of State Press Releases: January 18-24

Press releases may be obtained from the Office of News, Department of State, Washington 25, D.C. Release issued prior to January 18 which appears in this issue of the BULLETIN is No. 23 of January 17.

| No. | Date | Subject   |
|-----|------|---|
| 24  | 1/19 | Herter: Treaty of Mutual Cooperation and Security with Japan.           |
| 25  | 1/19 | Text of Treaty of Mutual Cooperation and Security with Japan.           |
| †26 | 1/20 | Dean: statement on law of sea conventions.                              |
| 27  | 1/20 | Merchant: "Importance of the Space Program in International Relations." |
| 28  | 1/20 | Merchant: departure of Premier Kishi of Japan.                          |
| 29  | 1/22 | Delegate to ECE Electric Power Committee (rewrite).                     |
| 30  | 1/22 | U.S. policy toward Iran.  |
| †31 | 1/22 | 1964 World's Fair.  |

†Held for a later issue of the BULLETIN.



the  
Department  
of  
State

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
DIVISION OF PUBLIC DOCUMENTS  
WASHINGTON 25, D.C.  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$300  
(GPO)

## *Your Department of State*

The Department of State—the oldest executive department of the U.S. Government—is the official channel through which the American people conduct their relations with the other governments and peoples of the world.

The responsibilities and functions of the Department are outlined in this recent revision of *Your Department of State*, a 14-page illustrated pamphlet. Brief discussions of the Department's history and its present organization are included, together with a list of the principal officers of the Department. A final section lists basic foreign policy goals.

Publication 6877

15 cents

### *Order Form*

to: Supt. of Documents  
Govt. Printing Office  
Washington 25, D.C.

### *Enclosed find:*

\$ \_\_\_\_\_  
(cash, check, or money  
order payable to  
Supt. of Docs.)

Please send me \_\_\_\_ copies of *Your Department of State*.

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, Zone, and State: \_\_\_\_\_



TO AVOID  
\$300